

AGENDA - REVISED
TOLLAND TOWN COUNCIL
HYBRID MEETING
6TH FLOOR COUNCIL CHAMBERS OR ZOOM
JUNE 14, 2022 – 7:00 P.M.

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **MOMENT OF SILENCE**
4. **PROCLAMATIONS/PRESENTATIONS:**
5. **PUBLIC PETITIONS, COMMUNICATIONS, AND PUBLIC PARTICIPATION** *(on any subject within the jurisdiction of the Town Council) (2 minute limit)*
6. **PUBLIC HEARING ITEMS**
- 7a. **REPORTS OF BOARDS AND COMMITTEES RESPONSIBLE TO THE COUNCIL**
- 7b. **REPORTS OF TOWN COUNCIL LIAISONS**
8. **NEW BUSINESS (ACTION/DISCUSSION ITEMS):**
 - 8.1 Consideration of a resolution to approve the revised Personnel Policies and Procedures and Substance Abuse Policy.
 - 8.2 Consideration of a resolution to cancel the June 28, 2022 Town Council meeting.
 - 8.3 Consideration of a resolution appropriating \$750,000 for purchase of fire rescue truck, appropriating \$140,000 for resurfacing of track, appropriating \$115,488 for lawn mower acquisition and appropriating \$191,878 for ADA walkway improvements, and authorizing the issuance of up to \$1,197,366 bonds and notes to finance the appropriations and the setting of a Public Hearing thereon for July 12, 2022.
 - 8.4 Consideration of approval to Transfer funds from the Ambulance Reserve Fund account to the Capital project Engine Tank 240 (ET-240) refurbishment.
 - 8.5 Review of Town Council Goals that were set on December 28, 2021.
 - 8.6 Consideration of a resolution to amend Chapter A176-6 of the Town Code, Policy Number 6: Policy Regarding Use of Tolland Green by Groups and Organizations.
 - 8.7 Appointments to vacancies on various municipal boards/commissions.

8.7.a. Appointment to the Parks and Recreation Board

9. **OLD BUSINESS (ACTION/DISCUSSION ITEMS):** None.

10. **REPORT OF THE TEMPORARY TOWN MANAGER**

11. **ADOPTION OF MINUTES**

11.1 [May 19, 2022](#) Special Meeting Minutes

11.2 [May 24, 2022](#) Regular Meeting Minutes

12. **CORRESPONDENCE TO COUNCIL**

13. **CHAIRPERSON'S REPORT**

14. **COMMUNICATIONS AND PETITIONS FROM COUNCILPERSONS**

15. **PUBLIC LISTED PARTICIPATION** (*on any subject within the jurisdiction of the Town Council*)
(3 minute limit)

16. **ADJOURNMENT**

To Join the Zoom Meeting, either click:

<https://us02web.zoom.us/j/81703386763?pwd=YTdPWGpLTkFDcU1rOFawdmtlRnM2QT09>

Or call: 1-646-876-9923 and input:

Meeting ID: 817 0338 6763

Password: 06142022

To view agenda item attachments, you may visit:

<https://www.tolland.org/town-council>

Any party needing an accommodation may contact the Town Manager's Office at (860) 871-3600

The Town of Tolland is an Affirmative Action/Equal Opportunity Employer

AGENDA ITEM BACKGROUND

ITEM: Consideration of a resolution to approve the revised Personnel Policies and Procedures and Substance Abuse Policy

FOR COUNCIL MEETING OF: June 14, 2022

ITEM SUMMARY: Attached are several changes to the Personnel Policies and Procedures that cover unaffiliated non-union employees in Town. These changes were recommended by our Labor Attorney to comply with changes to State and/or federal law. On pages 2, 28, 52, 55 under various section, we have updated the language to be consistent with the State of CT law PA-21-2 (natural hair). On page 8 under the Compensation section, we have updated the language to be consistent with the State of CT law PA-21-30 (pay ranges). On page 27-28 under the Other Leave Without Pay section, we have updated the language to be consistent with the State of CT law PA-21-2 (time off to vote). Also, on pages 39, 56 and 59 under various sections additional language has been added relating to other recent State Law changes or NLRB rulings relating to disclosure of employment information, photo/video/audio taking and smoking in the workplace. In addition, the revised Substance Abuse Policy will be added into the Personnel Policies on the last page.

In addition, the Substance Abuse Policy needs to be revised and will be included in the body of the Personnel Policies. What follows is a general summary of recent legal changes prepared by our Labor Attorney requiring revisions to the Town's Substance Abuse Policy:

- Effective July 1, 2021, recreational marijuana became legal for personal use in Connecticut.
- The effective date for workplace regulations regarding recreational marijuana use was delayed until July 1, 2022.

Effective 7/1/22:

- No employer is required to make accommodations for or allow an employee (defined as anyone working for an employer, including an independent contractor) to perform duties while under the influence of cannabis (a/k/a marijuana).
- No employer is required to make accommodations for or allow an employee to possess, use or otherwise consume cannabis while performing duties or on the employer's premises (defined as any building, real property and parking area under the control of the employer).
 - EXCEPTION: Employer must allow possession of palliative cannabis (a/k/a medical marijuana, defined as marijuana obtained through approval of

primary caregiver to alleviate symptoms of a debilitating medical condition or the effects of such symptoms) by a qualifying patient (defined as a Connecticut resident 18 years or older diagnosed by a physician or an APRN as having one of the debilitating medical conditions provided under the medical marijuana law).

- There is no restriction or preemption of the rights and obligations of employers to maintain a drug and alcohol-free workplace.
- An employer may have a written policy (either hardcopy or electronic format) that must be made available to each employee prior to its enactment and to each applicant at time the employer makes offer/conditional offer to applicant that prohibits the possession, use or other consumption of cannabis by an employee. (THE POLICY CAN APPLY TO CANNIBAS POSSESSION OR USE EITHER AT WORK AND/OR OR OUTSIDE THE WORKPLACE).
 - EXCEPTION: The policy cannot prohibit possession of palliative cannabis by a qualifying patient.
 - EXCEPTION: The policy cannot allow an employer to refuse to hire or to discharge, penalize or threaten an employee solely on the basis of such person's status as a qualifying patient or primary caregiver (defined as a person who is 18 years or older who has agreed to undertake responsibility for managing the well-being of the qualifying patient with respect to the palliative use of marijuana), unless any such action is required by federal law or to obtain federal funding or the qualifying patient is using or under the influence of cannabis during work hours.
 - NOTE: THE PROVISIONS ON EMPLOYER POLICIES AND LIMITS ON WHEN AN EMPLOYER CAN TAKE ADVERSE ACTION AGAINST AN APPLICANT OR EMPLOYEE DO NOT APPLY TO AN EXEMPTED EMPLOYER, EMPLOYEE OR POSITION.
 - An “exempted employer” includes an employer whose primary activity is:

Mining; Utilities; Construction; Manufacturing; Transportation/Delivery; Educational Services; Health Care/Social Services; Justice, public order and safety activities; National security/international affairs

- An “exempted position” is: Any position at an exempted employer; Firefighter; EMT; Police officer or peace officer in a position with a law enforcement or investigative function at a state or local agency; Position requiring CDL license or state/federal drug tests; Position requiring DOD national security clearance; Position where the new marijuana law would be inconsistent or otherwise in conflict with any employment contract, CBA or federal law; Position that is funded in whole or in part by a federal grant; Position requiring completion of OSHA construction safety and health course; Position

with the potential to adversely impact the health or safety of employees or members of the public in the determination of the employer; Position requiring supervisions or care of children, medical patients or vulnerable persons; Position at nonprofit or corporation promoting anti-drugs.

- An “exempted employee” means an employee holding an exempted position or working for an exempted employer.
- No employer can fire or take any adverse action against any employee because the employee does or does not smoke, vape, aerosolize or otherwise use cannabis products outside of the workplace, unless such action is made pursuant to a written policy consistent as stated above.
- No employer can fire or take any adverse action against any employee or applicant because such employee or applicant had or had not smoked, vaped, aerosolized or otherwise used cannabis products outside of the workplace before such employee or applicant was employed by such employer, unless failing to do so would put the employer in violation of a federal contract or cause it to lose federal funding.
- An employer may take appropriate adverse action based on reasonable suspicion of an employee's use of cannabis while performing work at the workplace (defined as any building, real property and parking area under the employer’s control; any area used by the employee while performing job duties; and the employer’s vehicles) or while on call (i.e., paid time scheduled at least 24 hours in advance for employee to be on standby at any location to perform a work-related task), and may determine that an employee has specific and articulable “symptoms” of drug impairment while working at the workplace or while on call that lessen or decrease performance of duties. “Symptoms” of drug impairment can be based on: (i) the employee's speech, physical dexterity, agility, coordination, demeanor, irrational or unusual behavior, or negligence or carelessness in operating equipment of machinery; (ii) disregard for the safety of the employee or others or involvement in any accident that results in serious damage to equipment or property; (iii) disruption of a production or manufacturing process; or (iv) carelessness that results in any injury to the employee or others.
- An employer is not limited or prevented from drug testing an employee or applicant or requiring a fitness for duty evaluation of an employee or applicant or from taking adverse action (including rescission of job offer, discipline or termination) pursuant to a policy established as stated above.
 - EXCEPTION: A drug test for an applicant or employee (other than a prospective or current exempted employee) that yields a positive result solely for a specific metabolite of TCH (11-nor-9-carboxy-delta-9-tetrahydrocannabinol) cannot be used as the only basis to take an adverse action, unless

- Failing to do so would put the employer in violation of a federal contract or cause it to lose federal funding; or
 - The employer reasonably suspects an employee's use of cannabis while engaged in the performance of the employee's work responsibilities; or
 - The employee has specific, articulable symptoms of drug impairment while working that decrease or lessen performance of duties; or
 - The drug test was obtained as part of a legally authorized random drug testing policy established pursuant to above or was of an applicant with a conditional job offer and the employer established in such policy that a positive test for this specific metabolite of TCH may result in an adverse action.
- The recreational marijuana law will not apply to drug testing, conditions of continued employment or conditions for hiring employees required under:
 - Federal DOT regulations that require testing of an applicant in accordance with 49 CFR 40 (or any regulations of state agencies that adopt a federal regulation for purposes of enforcing the requirements of such regulation); or
 - Any contract entered into between the federal government and an employer or any grant of financial assistance from the federal government to an employer that requires drug testing of prospective employees as a condition of receiving the contract or grant; or
 - Any federal law or state statute, regulation or order that requires drug testing prospective employees for safety or security purposes; or
 - A valid collective bargaining agreement that specifically addresses drug testing, conditions of hiring, or conditions of continued employment of any such applicant;
- No agency or municipality may rely on a federal law violation related to cannabis as the sole basis for taking an adverse action against a person, except for any adverse action that federal law requires to be taken (such as disqualification of CDL or CMV operator's privilege or hazardous materials endorsement for which the Federal Motor Carrier Safety Administration regulations require disqualification).

Medical Marijuana

- All employers (now and continuing after July 1, 2022) may not take any adverse action against any applicant or employee (including refusal to hire, discipline, discharge, etc.) for the lawful use of medical marijuana, if such use is:
 - As a "qualifying patient" under Connecticut's palliative marijuana use law (i.e., a person who uses marijuana authorized by a health care provider to

alleviate symptoms of certain diagnosed and designated debilitating medical conditions or the effects of such symptoms) and

- The individual submits proof of such authorization to the employer as required;
- The use is not otherwise prohibited by any federal law applicable to the work the individual performs for the employer;
- The use does not restrict the employer's ability to obtain federal funding; and
- The use is strictly confined to lawful use outside of the workplace, not during any working hours at any work location and does not cause the individual to be under the influence while at the employer's workplace or during work hours.

FINANCIAL SUMMARY: N/A

TOWN ATTORNEY REVIEW: Kainen, Escalera and McHale, P.C.

COUNCIL ACTION DESIRED: Consideration of the resolution.

SUPPORTING MATERIALS:

- Revisions to the "Town of Tolland Personnel Policies and Procedures" and "Substance Abuse policy"
- Draft Resolution

- E. Persons employed in a professional capacity to make or conduct a temporary or special inquiry, study or investigation or who are employed for a temporary period and designated by the Town Manager as temporary employees.
- F. Volunteer personnel.
- G. Persons employed under individual contract or who are covered by a collective bargaining agreement.
- H. While the above categories of employees shall not be eligible for any of the benefits set forth in these policies, they will be expected to comply with the Town's rules and regulations regarding conduct while performing work for the Town.

§ A174-3. Equal Employment Opportunity Policy.

The Town of Tolland is committed to complying with all laws that prohibit discrimination in employment on the basis of any legally protected status. In addition, the Town of Tolland will ensure that its employment practices will provide an equality of opportunity to applicants and employees without regard to their race, color, religion, sex, national origin, ancestry, age, disability, military/veteran status, genetic information, gender identity/expression, pregnancy, marital status, sexual orientation, hair texture/protective hairstyles or any other legally applicable protected status. This policy applies to employment practices, including, but not limited to, hiring, placements, promotions, terminations, layoffs, recalls, transfers, leaves of absence, compensation and training. The Town maintains an Affirmative Action Policy that contains provisions concerning the purpose of such policy, its distribution, and implementation. Copies of the Town's Affirmative Action Policy are available from the office of the Town Manager.

§ A174-4. Application; word usage.

These policies and procedures shall apply to all employees of the Town of Tolland, except as stated in § A174-2, Scope. A violation of these policies may, at the determination of the Town Manager, result in disciplinary action up to and including dismissal. Employees of the Town may be disciplined for other legitimate reasons, as determined by the Town. Where there is a conflict between a particular personnel rule and statements contained in an approved, uniform department regulation or Town, state or federal law, or more specific statements contained in Town policies (such as insurance policies), then those statements shall prevail. These policies shall serve as a guide to the administration of the Town's personnel system. The policies are not all inclusive, and final discretion as to the interpretation or the appropriate course of action concerning a particular personnel matter shall be that of the Town Manager.

Town at other than within the pay rate established for the classification level of his or her position. The Town will provide job applicants with the pay range of the position for which the applicant is applying before or when offering the applicant the job, or when the applicant requests it during the application process, whichever is earlier. The Town will provide employees with pay range information for their position at time of hire, if their position changes, or upon the employee's first request for a wage range.

§ A174-11. Maintenance and adoption of plan.

The Town Manager will annually prepare and recommend a pay plan as described above to the Town Council. The recommendations of the Town Manager will be based upon consideration of all factors relevant to the maintenance of sound compensation practices. An initial pay plan and all changes in the pay plan itself will be submitted to the Town Council for approval. During the life of an approved pay plan, the Town Manager shall have the authority to make and approve changes in employee compensation, as circumstances require.

§ A174-12. Performance pay.

Pay increases, promotions and other salary actions are based upon acceptable performance (merit) and are not considered to be automatic or based on length of service alone. (See Article XI on performance evaluation.)

§ A174-13. Administration.

- A. Starting rates. An employee appointed to a position should normally be compensated at the minimum rate of pay assigned to the job class to which the position is allocated, subject to the approval of the Town Manager; however, appointment at a salary above the minimum level may be made if such action is justified by exceptional qualifications of the applicant or by lack of qualified applicants available at the minimum rate. Conversely, with the approval of the Town Manager, appointment below the minimum may be made where the only available candidate possesses less than the minimum qualifications for a classification. All permanent employees hired as of July 1, 2009 are required to participate in direct deposit for payroll checks.
- B. Probationary period. The purpose of a probationary period is to allow a supervisor to closely observe an individual for a period of six (6) to nine (9) months. Satisfactory completion of the probationary period does not create any contractual right to continued employment thereafter. To advance from the minimum pay rate to the subsequent pay rate after initial appointment, an individual must successfully complete the probationary period preparing him or herself adequately for satisfactory performance of his or her job. The department head shall have discretion to extend the probationary period an additional three months. The department head must certify as to the employee's satisfactory performance at the completion of the probationary period in order for the employee to receive his or her first merit step

the Office of the Victim Advocate, and/or a licensed medical professional or other licensed professional from whom the employee has sought assistance with respect to the family violence certifying that the employee is a victim of family violence. Any such certification provided will be maintained in a confidential manner and will be only disclosed as required by law or to protect the employee's safety in the workplace, provided that the employee is given notice prior to any such disclosure. The Town will further not discriminate or take adverse actions against any employee for being a victim of family violence or for having to attend or participate in a court proceeding related to a civil case in which the employee is a family violence victim.

- H. **Pregnancy Disability Leave.** The Town will provide any pregnant employee with a reasonable leave of absence during any period of time when her health care provider has certified in writing that she is disabled from work due to conditions related to the pregnancy. While the length of any such disability-related pregnancy leave may vary depending on individual circumstances, it is generally expected to be no longer than 6-8 weeks.

A health care provider's statement must be submitted verifying the need the pregnancy disability leave and its beginning and expected ending dates, if known. Any changes in this information should be promptly reported to in writing to the Town. So that appropriate staffing decisions can be made in a timely manner, employees are expected to provide the Town with as much advance notice as possible of their intent to return to work following disability-related pregnancy leave and, in any event, with a minimum of two weeks' notice of their intent. Employees returning from pregnancy disability leave may further be required to submit a health care provider's verification of their fitness to return to work.

An employee returning from pregnancy disability leave is reinstated to her original position with equivalent pay and accumulated seniority and benefits, unless the Town's circumstances have changed which makes reinstatement unreasonable.

Pregnancy disability leaves of absence will be without pay except that employees may choose to use any accrued sick time during this leave. Any paid time off so used will be counted as part of the total leave time allotted.

The Town will continue to provide health insurance benefits coverage (if applicable) during a pregnancy disability leave of absence as long as the employee continues to pay her share of the applicable premiums.

Any leave time allotted under this policy runs concurrently with any leave time afforded under any of the Town's other policies for which the employee may be eligible.

- I. **Time Off To Vote.** Employees will be allowed up to two hours of unpaid time off to vote if scheduled to work anytime during the hours of 6:00am to 8:00pm on the day of a regular state election (or in the case of a special election if the employee is an elector). Employees must provide the Town at least two working days' notice before the election of the need for

such time off. The time off shall be scheduled either at the beginning or end of the employee's shift, unless circumstances otherwise preclude the employee from being able to vote during such times. The right to take voting leave shall end as of June 30, 2024, unless otherwise extended by applicable Connecticut law.

§ A174-28. Benefits.

Employees who are temporary or limited do not accumulate benefits accorded to full-time or part-time employees. Should the status of the employee change to one of full-time or part-time, then the effective date of the change in status shall be the determinant date for the computation of various benefits.

ARTICLE VIII
Appointment

Announcement. The Town Manager shall cause to be made known all vacancies by posting announcements of such vacancies on official bulletin boards, in newspapers and other publications and in such places as the Town Manager deems advisable.

§ A174-29. Equal employment opportunity.

- A. As stated in § A174-3, the Town provides equal employment opportunities to all employees and applicants for employment without regard to marital status, race, color, religion, sex, national origin, ancestry, age, disability, military/veteran status, genetic information, gender identity/expression, pregnancy, sexual orientation, hair texture/protective hairstyles or any other applicable legal standard.
- B. The Town maintains an Affirmative Action Policy that contains provisions concerning the purpose of such policy, its distribution, and implementation. Copies of the Town's Affirmative Action Policy are available from the office of the Town Manager.

§ A174-30. Appointment.

- A. Method of appointment. All vacancies shall be filled by appointment, temporary appointment, promotion, demotion or transfer. Only qualified candidates shall be recommended for appointment. The Town Manager shall approve appointments to all Town positions prior to filling the vacancy, provided that for Senior Level employees, as defined in the Town Charter, the Town Manager shall recommend appointment but such appointment shall be subject to the approval of the Town Council.

§ A174-48. Discussion of Terms and Conditions of Employment.

The Town shall not discriminate or otherwise take any adverse action against any employees (or applicants) who inquire about, discuss or disclose information about the terms or conditions of their employment or about any other employee's employment (such as pay and benefit information) in a lawful manner, including when exercising any rights to engage in protected activity. Management shall continue to treat each employee's pay and benefit information and performance/disciplinary information as confidential in accordance with applicable legal requirements and obligations, and each employee, in turn, may do the same to the extent that they prefer not to share such information with others. To this end, employees may not disclose information about the terms and conditions of employment of any other employee (including information about another employee's pay) when the other employee does not wish them to do so. Accordingly, employees remain subject to discipline if they have access to compensation information of other employees or applicants as part of the essential functions of their job and they disclose that information to others who do not otherwise have access to such information, unless the disclosure was made with the consent of the other employee, or in furtherance of an investigation by the Town or any outside entity in response to a formal complaint or charge, or as part of any legal or administrative proceeding/hearing, or otherwise consistent with the Town's legal duty to furnish such information.

ARTICLE XV
Retirement and Other Fringe Benefits

§ A174-48. Retirement.

Retirement benefits are provided by the Town for all eligible full-time employees and part-time employees working more than 25 hours per week or as otherwise provided for in the Town's plan.

- A. Eligibility. The retirement program shall cover all appointed non-elected employees of the Town, excluding those of the Board of Education, who have completed a minimum of twenty (20) or more years of service as employees of the Town and who have attained 59½ years of age by the date of his or her last day of employment with the Town.
- B. Medical insurance (including hospitalization, medical and dental)
 - (1) Employees, upon retirement, may elect to continue individual coverage as provided for in this manual under a subgroup established by the Town. The Town of Tolland will contribute towards the cost of an eligible retired employee's coverage for certain designated periods in accordance with Table I. In addition, prior to age 65 and/or Medicare enrollment, if the individual coverage is a Tolland High Deductible Health Plan (HDHP), the Town will give that retiree annually an amount equal to 70% of the

Opportunities, ~~90 Washington Street~~450 Columbus Blvd, Hartford, CT 06103~~6~~. (Telephone and TDD Number: ~~566-3350860-541-3400~~; TDD Number ~~566-2301~~) and/or the Equal Employment Opportunity Commission, Boston Area Office, One Congress Street, Boston, MA 02114 (Telephone Number 617-565-2300; TDD Number 617-565-3204). Connecticut law requires that a formal written complaint be filed with the Commission on Human Rights and Opportunities within ~~180~~300 days of the date when the alleged harassment occurred. Remedies for sexual harassment include cease and desist orders, back pay, compensatory damages, hiring, promotion or reinstatement.

- F. In addition to sexual harassment, this policy prohibits all other types of harassment on the basis of race, color, religion, sex, age, disability, sexual orientation, marital status, pregnancy, military/veteran status, genetic information, gender identity/expression, hair texture/protective hairstyles or any other legally applicable protected status. Therefore, employees of the Town should also report situations involving any of these other forms of harassment, through the complaint and investigation procedure set forth above. Any questions should be directed to the Director of Administrative Services or the Town Manager. As with sexual harassment, employees may make inquiries of, or file complaints with, the Connecticut Commission on Human Rights and Opportunities.

§ A174-59.5 Workplace Accommodations.

The Town is committed to complying with all applicable provisions of state and federal laws protecting the rights of qualified disabled individuals. Consistent with this policy of nondiscrimination, the Town will provide reasonable accommodations to a qualified individual with a disability, as defined under applicable law, who has made the Town aware of his or her disability, provided that such accommodation does not constitute an undue hardship on the Town.

Applicants or employees with a disability who believe they need a reasonable accommodation to perform the essential functions of their job should contact their applicable supervisor, the Director of Administrative Services or the Town Manager. Upon receipt of any accommodation request, the Town will review the precise limitations resulting from the disability and the potential reasonable accommodation(s) that might be made to enable performance of the essential functions of the job. The Town will determine the feasibility of the requested accommodation considering various factors, including, but not limited to the nature and cost of the accommodation, the Town's overall financial resources and organization, and the accommodation's impact on the Town's operations, including its impact on the ability of other employees to perform their duties and on the Town's ability to provide services to the public. If an employee is provided leave as a reasonable accommodation, the employee will be required to exhaust any accrued paid time off before being provided with any unpaid leave.

As part of this process, an employee or applicant may be required to provide authorization for the Town to communicate with and obtain documentation from their health care providers regarding the medical condition(s) for which reasonable accommodation is sought, and may

- (5) The Town's policy prohibiting harassment and discrimination applies to the use of these systems. Therefore, the creation, transmission, receipt or downloading of pornographic materials and inappropriate or offensive comments or other images or information, such as disparaging comments or pictures based on race, color, religion, gender, national origin, age, disability, marital status, military/veteran status, sexual orientation, genetic information, gender identity/expression, hair texture/protective hairstyles or any other legally applicable protected category, over any of the Town's systems, is prohibited.
- (6) The Town's electronic communications systems may not be used to solicit for religious or political causes, outside organizations or other personal matters unrelated to employment with the Town. Solicitation on the Town's premises is substantially disruptive to operations, may materially interfere with the working relationship between employees, and may affect the job performance of employees. Accordingly, the Town prohibits all solicitation activities for the purpose of financial gain, lotteries or charities on the Town premises, provided they are not sponsored or approved in advance by the Town. In addition, no employee is permitted to engage in solicitation of subscriptions, memberships or other outside activity of any kind during working time (excluding lunch break). Solicitation and distribution of literature or other non-Town material is also prohibited during working time or in working areas at any time.
- (7) World Wide Web access and use of the Internet is encouraged where such use is appropriate for business and professional objectives and is conducted lawfully. Web access or Internet use through the Town's electronic communications systems should not be for purposes of personal gain, solicitation of non-Town business or advancement of individual views. Nor should use of the Internet disrupt the operation of the Town's electronic communications systems or the networks of other users. In addition, each employee is responsible for the content of all text, audio or images that s/he places, sends, downloads or receives over the Internet. Accordingly, web access or Internet use through the Town's electronic communications systems may not involve the transmission, receipt or use of fraudulent, harassing or obscene information. Nor should any messages sent over the Town's electronic communications systems be inconsistent with or interfere with the Town's business practices or principles. Furthermore, messages communicated over the Town's electronic communications systems must not be transmitted under an assumed name, and users may not attempt to obscure the origin of any message. Finally, no confidential information involving the Town's operations should be sent or received via the internet unless approved by authorized management personnel, and care must be taken at all times to protect the confidentiality of the Town's intellectual property and business assets.
- (8) Software programs and materials, other than those that have been properly licensed by the Town, may not be installed or downloaded on the Town's computers. In addition, theft of software is a crime, and is punishable by law. Users are not permitted to copy, transfer, rename, add or delete information on programs belonging or licensed to others

unless given express permission to do so. No employee may use the Town's electronic communications systems in ways that are inconsistent with licenses or copyrights, or to download or distribute pirated software or data, including without limitation music or movies. Furthermore, no employee may use the Town's electronic communications systems to propagate any virus, worm or trap door program code, or to otherwise disable or overload any computer system or network, or to circumvent any system intended to protect the privacy or security of another user.

(8) ——— (9) ——— Intrusions of privacy by any employee into the Town's business affairs or the affairs of other employees or Town residents are strictly prohibited. Employees are prohibited from accessing information or files at another employee's workstation or vehicle unless expressly permitted to do so by authorized management personnel. The tape recording of any conversation in the workplace is strictly prohibited without written authorization from the Town Manager, or with the consent of all parties to the conversation. The tape recording of any telephone conversation to or from the workplace is strictly prohibited absent the consent of the parties to the phone call obtained in accordance with applicable law.

~~(8)(9) Employees are prohibited from taking photographs in the workplace without written authorization from the Town Manager, or unless the consent of any individual to be photographed is obtained in advance. To prevent harassment (as defined in the Town's anti-harassment policy), maintain individual privacy, encourage open communication, avoid unnecessary distractions and protect confidential information of the Town from being improperly disclosed, employees are prohibited from taking, distributing or posting pictures, videos or audio recordings while on working time. Exceptions may be granted when participating in an authorized Town activity or with permission from the Town Manager for business related purposes. For the same reasons as stated above, employees who seek to take, distribute or post pictures, videos or audio recordings of people at Town facilities and premises (such as other employees or others doing business with the Town) while on non-working time must notify and obtain permission from such individuals first. At no time may an employee take, distribute or post pictures, videos or audio recordings of any confidential information of the Town or the Town's residents (pursuant to the confidentiality obligations under this manual) or in violation of any other Town policy. Employees also may not take pictures or make recordings of work areas at any time. An exception to the rule concerning pictures and recordings of work areas would be if the employee were engaging in any activity protected by law, including, taking pictures of health, safety and/or working condition concerns, or of protected concerted activities, as long as such pictures, videos or audio recordings do not disclose any confidential information of the Town or its residents (pursuant to the confidentiality obligations under this manual).~~

(10) The Town reserves the right to review, access, and intercept all messages created, received, or sent over its electronic communications systems at any time, without advance notice, for such reasons as, without limitation: ensuring that the systems are

ARTICLE XX

~~Workplace Violence Policy~~ Health and Safety

§ A174-61. Workplace Violence Policy.

The Town of Tolland strives to provide a safe, non-violent workplace and does not tolerate any acts that constitute or may be construed as any type of violence in the workplace.

Participating in, provoking, or otherwise contributing to any violent act in the workplace, including, but not limited to, abuse, assault, battery, property damage, threats and/or harassment will result in disciplinary action up to and including arrest and discharge. Any violent act, implied or actual, and/or threatening is strictly prohibited. The Town of Tolland maintains a zero tolerance policy on violence in the workplace.

Possession, use, or threat of use, of a deadly weapon and/or dangerous instrument, as defined by the State of Connecticut Penal Code, Section 53a-3, by a Town employee, is not permitted at work, or while on duty on Town property, including a Town vehicle, or in a private vehicle when the vehicle is being used for Town business, or if the private vehicle is parked on Town property while the employee is on duty, unless such possession or use of a deadly weapon and/or dangerous instrument is a necessary and approved requirement of the job, or as authorized by the Town Manager in an emergency situation.

It is the shared obligation of all employees, law enforcement agencies, and employee organizations, individually and jointly, to act, to prevent, or defuse, actual or implied violent behavior in the workplace. The Town will work with law enforcement agencies to aid in the prosecution of anyone who commits violent acts against employees or their property.

No employee, acting in good faith, who reports real or implied violent behavior, will be subject to retaliation or harassment based upon such report.

State of Connecticut Penal Code Sections 53a-3 Definitions:

"Deadly weapon" means any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon, or metal knuckles. "Dangerous instrument" means any instrument, article or substance which, under the circumstances in which it is used or attempted or threatened to be used, is capable of causing death or serious physical injury, and includes a "vehicle" as that term is defined in this section and includes a dog that has been commanded to attack, except a dog owned by a law enforcement agency of the state or any political subdivision thereof or of the federal government when such dog is in the performance of its duties under the direct supervision, care and control of an assigned law enforcement officer. "Vehicle" means a "motor vehicle" as defined in section 14-1, a snowmobile, any aircraft, or any vessel equipped for propulsion by mechanical means or sail.

§ A174-62. No Smoking Policy.

The Town prohibits the burning of a lighted cigar, cigarette, pipe or any other similar device containing tobacco, marijuana or hemp and the use of any electronic nicotine delivery systems (e-cigarettes), marijuana delivery systems and vapor products in any area of any business facility under the Town's control and within 25 feet of a doorway, operable window or air intake vent at the workplace.

§ A174-63. Substance Abuse Policy.

INSERT HERE

POLICY #13

TOWN OF TOLLAND

POLICY STATEMENT REGARDING

SUBSTANCE ABUSE POLICY

INTRODUCTION:

The Town of Tolland ("the Town") believes that it is the responsibility of management to provide a safe work environment for all employees and others in our workplace which is free from the effects of substance abuse or abusers. Similarly, it is the responsibility of employees to maintain their personal health so that they are physically and mentally capable of performing in the workplace. The abuse of drugs or alcohol is an unsafe and counterproductive practice. ~~Said abuse and~~ will not be tolerated. ~~in the Town of Tolland workplaces.~~

A. SUBSTANCE ABUSE POLICY REQUIREMENTS

No employees may use, consume, sell, manufacture, receive, distribute, dispense, possess or be under the influence of alcohol, recreational marijuana or any illegal drug, or abuse prescription or over-the-counter drugs, at the time they report to work for the Town; during work hours at any location when performing/expected to be performing their duties; and/or at any time while at The Town's workplace (which includes any building, property, parking area or vehicles under the control of the Town or any area used while performing duties for the Town), while representing the Town and/or performing The Town's business. No employees may use, consume, sell, manufacture, receive, distribute, dispense, possess or be under the influence of alcohol, recreational marijuana or any illegal drug, or abuse prescription or over-the-counter drugs, while outside the workplace and/or off-duty where such behavior adversely effects the Town's business interests, or undermines the public confidence in or harms the reputation of the Town, or impacts work performance, the ability to fulfill Town responsibilities and/or anyone's safety on the job.

The appropriate, legal use of over-the-counter or prescribed drugs (except medical marijuana) is permitted at the workplace or during work hours if such use does not impair an individual's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger or pose risk of injury to the individual, others in the workplace and/or the general public. Individuals must keep all prescribed medicine in the original container, which identifies the drug, date of prescription, dosage and prescribing physician. Employees taking prescription drugs and over-the-counter medications that may impair work performance must report such use to their supervisors prior to starting work. The employee's schedule or duties may be adjusted to accommodate this situation.

Misuse or inappropriate use of over-the-counter or prescription drugs also violates this policy.

The Town shall not take any adverse action against any applicant or employee or anyone else who provides services to the Town (including refusal to hire, discipline, discharge, etc.) for the lawful use of medical marijuana, if such use is: (1) as a “qualifying patient” under Connecticut’s palliative marijuana use law (i.e., a person who uses marijuana authorized by a health care provider to alleviate symptoms of certain diagnosed and designated debilitating medical conditions or the effects of such symptoms) and the individual submits proof of such authorization to the Town as required; (2) not otherwise prohibited by any federal law applicable to the work the individual performs for the Town; (3) does not restrict the Town’s ability to obtain federal funding; and is (4) strictly confined to lawful use outside of the workplace, not during any working hours at any work location and does not cause the individual to be under the influence while at the Town’s workplace or during work hours.

The Town shall not take any adverse action against any applicant or employee solely because such individual used marijuana outside of the Town’s workplace before being employed by the Town, unless failing to take an adverse action for this reason would put the Town in violation of a federal contract or cause the Town to lose federal funding, or any such individual will work/works in any “exempted position” as defined under Connecticut’s recreational marijuana law. An “exempted position” includes: any position with the potential to adversely impact the health or safety of employees or members of the public in the determination of the Town; firefighter; EMT; police officer in a position with a law enforcement or investigative function; a position requiring CDL license or state/federal drug tests; a position requiring DOD national security clearance; a position where Connecticut’s marijuana law would be inconsistent or otherwise in conflict with any employment contract, collective bargaining agreement or federal law; a position that is funded in whole or in part by a federal grant; a position requiring completion of OSHA construction safety and health course; and/or a position requiring supervision or care of children, medical patients or vulnerable persons.

An employee reporting to work ~~who is visibly~~ impaired is unable to properly perform required duties. ~~He or she and~~ will not be allowed to work.

~~If possible, the employee’s supervisor will first seek a consultation with the Town’s Employee Assistance Program. The employee’s supervisor will subsequently consult privately with the employee about the observation observed impairment to rule out any problems that determine may have been the cause, d by prescription drugs. Prior to or in conjunction with doing so, the supervisor may consult with the Town’s Employee Assistance Program or Human Resources. Depending on the employee’s response and level of impairment, If, in the sole opinion of the supervisor, the employee is considered impaired, the employee will may be brought home or to a medical facility for testing and/or treatment. The employee will be accompanied by the supervisor or another employee. An impaired employee will not be allowed to drive themselves.~~

~~Prescription drugs which are prescribed by the employee's physician may be taken during work hours. The employee should notify the supervisor if the use of properly prescribed prescription drugs may adversely affect the employee's work performance. The abuse of prescription drugs will not be tolerated.~~

B. SUBSTANCE ABUSE TESTING

Pre-Employment

Successful ~~employee~~ candidates for positions within the Town ~~of Tolland~~ will undergo screening for the presence of ~~illegal~~ drugs or alcohol prior to employment, as a condition for employment.

Applicants are required to voluntarily submit to a urinalysis test at a facility or office chosen by the Town. ~~Applicants must sign a consent agreement which will release the Town from any and all liability.~~

~~Any applicant with positive test results will be denied employment upon determination of substance abuse.~~

~~An applicant may be denied employment based on his/her refusal to submit to, or efforts to tamper with such test or on a positive test result (including a positive test for recreational marijuana and/or for the specific metabolite of TCH 11-nor-9-carboxy-delta-9-tetrahydrocannabinol but not for medical marijuana used in accordance with applicable law and this policy) that has been confirmed once by an independent laboratory test and after the applicant has been given a copy of the positive test result. The applicant may initiate another employment inquiry within the Town after the passage of one year.~~

The Town will not discriminate against applicants for employment because of past use of either drugs or alcohol. It is the current use of drugs or abuse of alcohol which will prevent potential employees from properly performing their jobs that will not be tolerated.

During Employment

~~The Town may test employees for drug and alcohol use or require a fitness-for-duty evaluation in accordance with applicable state and federal laws, including, but not limited to, when the Town has reasonable suspicion to believe that they are unable to perform or are deficient in performing their job responsibilities due to the influence of drugs or alcohol. Generally, reasonable suspicion means, but is not limited to, observation by a representative of the Town of the use, possession, sale or distribution of drugs, drug paraphernalia or alcohol, or of specific, articulable symptoms of drug or alcohol impairment (which can be based on without limitation: (i) the individual's speech, physical dexterity, agility, coordination, demeanor, irrational or unusual behavior, or negligence or carelessness in operating equipment of machinery; (ii) disregard for the individual's own safety or others or involvement in any accident that results in serious damage to equipment or property; (iii) disruption of a production or manufacturing~~

process; or (iv) carelessness that results in any injury to the individual or others). If any individual in the workplace is aware of or reasonably suspects that another individual is unable to perform or is deficient in performing his/her job responsibilities due to the influence of drugs or alcohol, the individual should immediately report this to any manager and/or Human Resources. The Town may also conduct random drug and alcohol testing of employees as allowed or required by and in accordance with any applicable state or federal laws and collective bargaining agreements.

All information relating to drug and alcohol testing and/or to drug or alcohol use by applicants or employees will be treated confidentially and maintained with other employee medical records in accordance with the privacy protections afforded by applicable law.

The Town shall not take any adverse action against any employee solely because the employee tests positive for TCH-11-nor-9-carboxy-delta-9-tetrahydrocannabinol, unless failing to take an adverse action for this reason would put the Town in violation of a federal contract or federal law or cause the Town to lose federal funding, or there is reasonable suspicion or symptoms of alcohol/drug use/impairment while performing duties, or the individual works in any “exempted position” as defined under Connecticut’s recreational marijuana law.

~~It is the responsibility of the Town of Tolland’s supervisors to counsel an employee whenever they see changes in performance that suggest a problem. If changes in performance suggest a substance abuse problem, the employee must submit to a screening examination for the presence of illegal drugs. An employee with a positive test result will be subject to disciplinary action including termination.~~

C. ASSISTANCE WITH SUBSTANCE

If a substance abuse problem exists, every effort will be made to deal with the drug/alcohol problem from a remediative rather than a punitive stance.

Employees who are experiencing problems or work-related deficiencies resulting from drug or alcohol use may request or be required to seek counseling help. Leave to take time off to participate in a rehabilitation or treatment program may be granted in accordance with any legal requirements and/or conditions established by the Town (such as “last chance agreements” requiring employees to abstain from use of the problem substance and abide by all Town policies, rules, and prohibitions relating to conduct in the workplace). If an individual has been referred for counseling and refuses to participate, the Town may take disciplinary action up to and including termination.

~~The policy of the Town of Tolland in such cases is to refer an employee to mandatory substance abuse~~

~~counseling and, if necessary, hospitalization. After the first offense, any continuing problems will result in a review for dismissal.~~

During any recovery period allowed for an employee with a drug/alcohol problem, ~~the Town's standard policies shall apply; accordingly,~~ the employee must ~~file for~~utilize sick leave or personal leave time ~~during periods of absence~~ when absent from work.

If an employee is unable to work for a prolonged period of time, ~~we~~the Town will consider a written request for a leave of absence, provided such recovery period is certified by a medical practitioner and the employee is otherwise eligible for such extended leave as a reasonable accommodation due to having a disability without causing the Town any undue hardship.

~~If an employee is required to be out of work for more than six (6) weeks, when he/she is able to return to work we will attempt to reinstate the employee to his/her original position or a similar position. We cannot guarantee that his/her original position or any position will be available, or that the employee will be reinstated at his/her previous salary.~~

B. SUBSTANCE ABUSERS

~~Any Town of Tolland employee found with the presence of alcohol or illegal drugs in his/her system, in possession of, manufacture of, using, selling, trading, or offering for sale illegal drugs or alcohol may be subject to disciplinary action up to and including discharge even for the first offense.~~

~~Substance Abuse includes the irresponsible use of alcohol, possession, use, manufacture, transfer, sale or attempt to sell drugs or alcohol on or off Town premises, including parking lots. This policy includes reporting to work under the influence of drugs or alcohol, or using alcohol or drugs during work hours.~~

D. CONSEQUENCES OF SUBSTANCE ABUSE

Any applicant or employee who violates this policy, or fails or refuses to comply with any portion of this policy (including, but not limited to, by failing a test and/or refusing to submit to any drug or alcohol testing as may be lawfully required or requested), will be subject to appropriate actions including, but not limited to, immediate removal from the workplace and/or disciplinary action up to and including termination of employment. Any third party at the Town's workplace (such as visitors, customers, contractors, vendors etc.) who violates this policy will be subject to appropriate actions including, but not limited to, immediate removal from the workplace and termination of any business relationship. Where appropriate upon the Town's determination, any violation of this policy may be reported to the appropriate law enforcement agencies.

~~Employees shall notify the employer in writing of his/her conviction for a violation of a criminal drug statute occurring in the workplace no later than five (5) calendar days after such conviction.~~

Employees are further required to notify their supervisors of any federal, state or local drug conviction no later than five days after such conviction. As required, the Town will notify appropriate agencies and take appropriate disciplinary action up to and including termination.

C. PRE-EMPLOYMENT DRUG TESTING POLICY

~~Successful employee candidates for positions within the Town of Tolland will undergo screening for the presence of illegal drugs or alcohol prior to employment, as a condition for employment.~~

~~Applicants are required to voluntarily submit to a urinalysis test at a facility or office chosen by the Town. Applicants must sign a consent agreement which will release the Town from any and all liability.~~

-3-

~~Any applicant with positive test results will be denied employment upon determination of substance abuse. The applicant may initiate another employment inquiry within the Town after the passage of one year.~~

~~The Town will not discriminate against applicants for employment because of past use of either drugs or alcohol. It is the current use of drugs or abuse of alcohol which will prevent potential employees from properly performing their jobs that will not be tolerated~~

D. PRE-EMPLOYMENT CERTIFICATE OF AGREEMENT

I do hereby certify that I have received, read, understand, and agree to comply with the Town of Tolland's Substance Abuse ~~and Drug Testing~~ Policy. I understand that prior to my employment by the Town of Tolland, I will be required to submit to a drug test. I understand that ~~if my performance indicates that it is necessary, I will~~must submit to a drug test as may be lawfully requested or required during my employment I also understand that either the failure to comply with a drug-testing request or the indication of a positive result will lead to the termination of my employment.

I understand by the distribution of this policy, I have been notified that the Town of Tolland abides by the Drug Free Workplace Act of 1989 and I will abide by this policy.

NAME: _____

SIGNATURE: _____

DATE: _____

| APPROVED AT THE ~~FEBRUARY 11, 1992~~ TOWN COUNCIL MEETING

Agenda Item #8.1

Consideration of a resolution to approve the revised Personnel Policies and Procedures and Substance Abuse Policy.

DRAFT RESOLUTION

BE IT RESOLVED by the Tolland Town Council that it hereby approves the attached revisions to the “Town of Tolland Personnel Policies and Procedures” and “Substance Abuse policy”.

Approved by the Tolland Town Council on _____, 2022.

Agenda Item #8.2

AGENDA ITEM BACKGROUND

ITEM: Consideration of a resolution to cancel the June 28, 2022 Town Council meeting.

FOR COUNCIL MEETING OF: June 14, 2022

ITEM SUMMARY:

Town Council had mentioned the possibility of cancelling the June 28, 2022 Town Council regular meeting. A special joint meeting with the Town Council, the Commission on People with Disabilities and the Historic District Commission is scheduled for June 29, 2022 to discuss the study currently being prepared on the ADA accessibility of the sidewalks on the Town Green. Cancelling the June 28, 2022 Town Council meeting will allow Town Council members more time to prepare for the special meeting. This agenda item is to discuss and consider the resolution to cancel the June 28, 2022 Town Council meeting.

FINANCIAL SUMMARY: N/A

TOWN ATTORNEY REVIEW: N/A

COUNCIL ACTION DESIRED: Consideration of the resolution.

SUPPORTING MATERIALS:

- Draft Resolution

Agenda Item #8.2

Consideration of a resolution to cancel the June 28, 2022 Town Council meeting.

DRAFT RESOLUTION

BE IT RESOLVED by the Tolland Town Council that it hereby approves the cancellation of the June 28, 2022 Town Council meeting.

Approved by the Tolland Town Council on _____, 2022.

AGENDA ITEM BACKGROUND

ITEM: Consideration of a resolution appropriating \$750,000 for purchase of fire rescue truck, appropriating \$140,000 for resurfacing of track, appropriating \$115,488 for lawn mower acquisition and appropriating \$191,878 for ADA walkway improvements, and authorizing the issuance of up to \$1,197,366 bonds and notes to finance the appropriations and the setting of a Public Hearing thereon for July 12, 2022.

FOR COUNCIL MEETING OF: June 14, 2022

ITEM SUMMARY: This agenda item is required to introduce a resolution and set a Public Hearing for capital projects that together total \$1,197,366. The debt issuance for each project will be reduced by any existing allocated funds, donations or grant proceeds as they relate to the projects. The projects include:

- Appropriating \$750,000 for the purchase of a fire rescue truck ET 540
- Appropriating \$140,000 for resurfacing a track at Tolland Middle School
- Appropriating \$115,488 for a 16' lawn mower
- Appropriating \$191,878 for ADA walkway improvements at Cross Farms Park

FINANCIAL SUMMARY: As proposed in the CIP Plan for FY 2022-23 and approved by public budget referendum.

TOWN ATTORNEY REVIEW: Bond Counsel prepared the resolution and provided an opinion on the Town Charter for Council approval on these projects.

COUNCIL ACTION DESIRED: Motion to schedule the Public Hearing for July 12, 2022.

SUPPORTING MATERIALS:

- Full Text Resolution
- Draft Resolution

TOWN OF TOLLAND

TOWN COUNCIL

**RESOLUTION APPROPRIATING \$750,000 FOR
PURCHASE OF FIRE RESCUE TRUCK, APPROPRIATING
\$140,000 FOR RESURFACING OF TRACK,
APPROPRIATING \$115,488 FOR LAWN MOWER
ACQUISITION AND APPROPRIATING \$191,878 FOR ADA
WALKWAY IMPROVEMENTS, AND AUTHORIZING THE
ISSUANCE OF UP TO \$1,197,366 BONDS AND NOTES TO
FINANCE THE APPROPRIATIONS**

RESOLVED, (1) That the Town of Tolland (the "Town") appropriate (i) the sum of \$750,000 for the cost of purchasing a fire rescue truck (the "Fire Truck Acquisition"), (ii) the sum of \$140,000 for the cost of the resurfacing of the track located at the Tolland Middle School (the "Track Resurfacing Project"), (iii) the sum of \$115,488 for the cost of purchasing one (1) 16' Toro lawn mower (the "Lawn Mower Acquisition"), and (iv) the sum of \$191,878 for the cost of construction of an ADA-compliant walkway to provide access from the parking lot to the upper athletic fields located at the Cross Farms Recreation Center (the "Walkway Project," together with the Fire Truck Acquisition, the Track Resurfacing Project and the Lawn Mower Acquisition, collectively, the "Projects"). The appropriations may be spent for design, manufacture and construction costs, equipment, materials, the preparation of bid documents and other preliminary materials, site improvements, architects' fees, engineering fees, legal fees, net interest on borrowings, costs of issuance, and other financing costs, and other expenses related to the Projects or their financing. The Town Council is authorized to determine the scope and particulars of the Projects. The Town Council may reduce or modify the scope of the Projects if funds are insufficient to complete all of the Projects, and the appropriations authorized hereby may be spent on the Projects as so reduced or modified. The Town Council may reallocate the appropriations among the Projects so long as the aggregate amount of the appropriations is not increased.

(2) That to finance said appropriation for the Projects, the Town issue bonds or notes in an amount not to exceed \$1,197,366 (or so much thereof as may be necessary after deducting grants or other sources of funds received by the Town for said Projects). The bonds or notes shall be issued pursuant to the Charter of the Town, Chapter 109 of the Connecticut General Statutes, Revision of 1958, as amended (the "Connecticut General Statutes"), and any other enabling acts.

(3) That the Town issue and renew temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes for the Projects or the receipt of grants for the Projects. The amount of the notes outstanding at any time shall not exceed \$1,197,366. The notes shall be issued pursuant to Section 7-378 of the Connecticut General Statutes. The Town shall comply with the provisions of Section 7-378a of the Connecticut General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378.

(4) That the Town Manager and the Treasurer of the Town (the “Officials”) be authorized to sign said bonds or notes of the Town by their manual or facsimile signatures and to determine the amounts, rates of interest, dates, maturities, dates of principal and interest payments on such bonds or notes, the form of such bonds or notes; the provisions for protecting and enforcing the rights and remedies of the holders of such bonds or notes and all other terms, conditions and particular matters regarding the issuance and securing of such bonds or notes and to execute, sell and deliver the same, and provide all supporting documentation as may be necessary or desirable to accomplish such purposes and to comply with the requirements of the Internal Revenue Code of 1986, as amended, Securities and Exchange Commission Rule 15c2-12, and in accordance with the Connecticut General Statutes and any other applicable provision of law thereto enabling. The bonds and notes authorized hereby shall be general obligations of the Town secured by the full faith and credit of the Town.

(5) That the Officials are hereby authorized to designate a bank or trust company to be the certifying bank, registrar, transfer agent and paying agent for such bonds and notes; to provide for the keeping of a record of the bonds or notes; to designate a municipal advisor to the Town in connection with the sale of the bonds or notes; that the law firm of Updike, Kelly & Spellacy, P.C., Hartford, Connecticut, is designated as the attorneys at law to render an opinion approving the legality of such issue or issues.

(6) That the Officials are authorized to sell the bonds or notes at public or private sale; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes, including, but not limited to, entering into a continuing disclosure agreement pursuant to Securities and Exchange Commission Rule 15c2-12. If the bonds or notes authorized by this resolution are issued on a tax-exempt basis, the Officials are authorized to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes, including covenants to pay rebates of investment earnings to the United States in future years.

(7) That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 that project costs may be paid from temporary advances of available funds and that (except to the extent reimbursed from grant moneys) the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the Projects. The Officials are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes authorized by this resolution, if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

(8) That the Town Council shall approve any contracts with engineers, contractors, architects and other persons for the Projects.

(9) That the Town Manager is hereby authorized, on behalf of the Town, to apply for and accept state grants to finance the appropriations for the Projects, and to execute and file any application or enter into any grant agreement prescribed by the State of Connecticut.

(10) That the Officials and other proper officers of the Town are authorized to take all other actions which are necessary or desirable to complete the Projects consistent with the foregoing and to issue bonds or notes to finance the aforesaid appropriation.

Upon Motion duly made and seconded, the foregoing Resolution was adopted by the following roll call vote:

In Favor:

Opposed:

I, Lisa A. Pascuzzi, the duly elected and qualified Clerk of the Town Council of the Town of Tolland, hereby certify that the foregoing is a true copy of the Resolution adopted at the meeting of the Town Council held on July 12, 2022 authorizing an appropriation of \$750,000 for the acquisition of a fire rescue truck, an appropriation of \$140,000 for resurfacing of the track at Tolland Middle School, an appropriation of \$115,488 for the acquisition of a lawn mower, and an appropriation of \$191,878 for the construction of an ADA-compliant walkway at Cross Farms Recreation Center, and to finance such appropriations authorizing the issuance of bonds or notes in an aggregate principal amount not to exceed \$1,197,366; that said Council consists of seven members; a quorum consists of four members and the minimum number of affirmative votes required to adopt said Resolution was four; _____ members were present at said meeting; a roll call vote was taken and _____ members voted in favor of said Resolution and _____ members voted against the adoption of said Resolution; the entire meeting exclusive of executive sessions was open to the public and no one was excluded from the portion of the meeting pertaining to the consideration and adoption of said Resolution.

Dated at Tolland, Connecticut, this ____ day of July, 2022.

Lisa A. Pascuzzi
Clerk
Town Council
Tolland, Connecticut

Agenda Item #8.3

Consideration of a resolution appropriating \$750,000 for purchase of fire rescue truck, appropriating \$140,000 for resurfacing of track, appropriating \$115,488 for lawn mower acquisition and appropriating \$191,878 for ADA walkway improvements, and authorizing the issuance of up to \$1,197,366 bonds and notes to finance the appropriations and the setting of a Public Hearing thereon for July 12, 2022.

MOTION that the following resolution be introduced and set down for a Public Hearing on July 12, 2022 at 7:00 p.m. via a Hybrid Meeting in the 6th Floor Town Council Chambers:

DRAFT RESOLUTION

BE IT RESOLVED, by the Tolland Town Council that it hereby appropriates as follows:

\$750,000 for purchase of fire rescue truck, appropriating \$140,000 for resurfacing of track, appropriating \$115,488 for lawn mower acquisition and appropriating \$191,878 for ADA walkway improvements, and authorizing the issuance of up to \$1,197,366 bonds and notes to finance the appropriations. A copy of the full text of the resolution is recorded following these meeting minutes.

Approved by the Tolland Town Council on _____, 2022.

Agenda Item #8.4

AGENDA ITEM BACKGROUND

ITEM: Consideration of approval to Transfer funds from the Ambulance Reserve Fund account to the Capital project Engine Tank 240 (ET-240) refurbishment.

ITEM SUBMITTED BY: John C. Littell, Director of Public Safety

FOR COUNCIL MEETING OF: June 14, 2022

TOWN MANAGER APPROVAL:

ITEM SUMMARY: The Capital project for the refurbishment of Engine Tank 240 was recently approved by the town Budget, with an amount not to exceed \$180,000. The Department has recently finalized the Specs for this project, as we had the matching truck done last year. We are asking to move forward with this project now, as we have learned while reviewing the specs everything is moving slowly and there are many new obstacles like delays in parts or rising prices to consider. Therefore we believe that it would be in the Town's best interest to move forward now to get the project in the pipeline, securing what we can and get started sooner rather than later. Funding for this project comes directly out of the Ambulance Reserve Fund account and are immediately available. We are hopeful that we can get an early start to try and get things done before more prices rise

FINANCIAL SUMMARY: Funds are available if approved

TOWN ATTORNEY REVIEW: N/A.

COUNCIL ACTION DESIRED: Consideration of the resolution.

SUPPORTING MATERIALS:

- Draft Resolution

Agenda Item #8.4

Consideration of approval to Transfer funds from the Ambulance Reserve Fund account to the Capital project Engine Tank 240 (ET-240) refurbishment.

DRAFT RESOLUTION

WHEREAS, the Town of Tolland originally had scheduled this as part of a previously approved Capital Project, the refurbishment of fire apparatus Engine Tank 240, a 1000 gallon frontline apparatus

WHEREAS, Town staff recommends that the Town agree to allow Engine Tank 240 the 2006 Pierce fire apparatus be refurbished by Fleetmasters Sales and Service Company

WHEREAS, historically Fleetmasters Sales and Service Company has provided the Town with exceptional service, is familiar with this apparatus and its pump, and is well-qualified to undertake a specialty project of this magnitude

WHEREAS, awarding a sole source contract constitutes a bid waiver under Town Policy A-126 11D(7)

NOW THEREFORE BE IT RESOLVED, that the requirements for bidding the refurbishment of ET-240 a 2006 Pierce is hereby waived in accordance with Town policy A-126 11D(7) and the Town Council hereby authorizes Lisa Hancock to execute an agreement with Fleetmasters Sales and Service located in Windsor Locks, Connecticut for the refurbishment including parts, labor and materials not to exceed \$180,000.

Approved by the Tolland Town Council on _____, 2022.

Agenda Item #8.5

AGENDA ITEM BACKGROUND

ITEM: Review of Town Council Goals that were set on December 28, 2021.

FOR COUNCIL MEETING OF: June 14, 2022

ITEM SUMMARY:

The Town Council set goals on [December 28, 2021](#) and will review the goals in June, 2022 and December, 2022. This will be the first update in accordance with the requirement for review of the accomplishments of the goals.

FINANCIAL SUMMARY: N/A

TOWN ATTORNEY REVIEW: N/A

COUNCIL ACTION DESIRED: Review goals and accomplishments.

SUPPORTING MATERIALS:

- Council Goals Update



TOWN of TOLLAND

Town Council Goals – Final 12/28/2021 2022 through 2023

1. Provide efficient & high quality services in a fiscally responsible and efficient way.

- a. Complete the Town Manager search process. Support new Town Manager and various stakeholders in creating a new strategic plan and consider updating Tolland's Vision and Mission statements.

Town Manager Search process completed May, 2022. Strategic Plan to set goals based on current vision/mission completed with Council and Interim Town Manager. New Town Manager will need to work on new vision, mission and strategic plan.

- b. Discuss and review employee succession plan and for employee retention with the Town Manager during the budget process.

Employee retention was discussed with the Town Council and ideas were shared to be included in the union negotiation process. Several offices are providing training and cross-training for succession planning. The ARPA funds request spreadsheet for the subcommittee review includes an item request for funding for employee retention initiatives. The subcommittee has not reviewed this request yet.

- c. Identify and execute use of ARPA funds for capital infrastructure needs; response and recovery to the Pandemic.

ARPA funds were allocated to the Eastern Highlands Health District for COVID related response, to perform a study to allow the Town to apply for a loan/loan forgiveness program with the State Department of Public Health for contaminated water concerns and funding for land preparation costs for the Miracle Field. In addition, capital equipment was funded with ARPA funding which reduced the amount of debt to be issued. We continue to review options for the use of the balance of the funds including possible capital improvement plan costs for an Ambulance, Fire Apparatus and other capital needs. There have been other needs regarding ADA accessibility to recreational areas and other recreational area improvements that will be reviewed.

- d. Promote fiscal policies that are designed to maintain the Town's AAA bond rating status.

The Interim Town Manager maintains a debt management plan that includes a rapid amortization plan that also is managed within Debt Management policy requirements. Financial reserves are maintained at strong levels and financial policies are adhered to. The rating agencies have recognized Tolland as one of the highest ratings for financial management within the country. Town Council has supported the need to maintain strong reserves.

- e. Review community services:
 - i. Explore private, regional or internal partnerships where feasible.

Currently in discussions with other Towns to consider a joint animal control operation. The Town already has some regional sharing initiatives for IT services, self-health insurance cooperative, shared services with the BOE for grounds maintenance.

- ii. Evaluate Public Safety needs.

Public safety needs were reviewed and included within the budget process. A grant was applied for to pay for new fire EMT staffing and we are awaiting a response. Capital Equipment and apparatus has been included in the long-term capital plan.

2. Promote sound infrastructure.

- a. Advocate to replace equipment and required infrastructure improvements in a timely manner in accordance with capital improvement plan.

Town Council and Interim Town Manager addressed current and long-term capital equipment needs during the budget process. This will all be dependent upon the future available funding.

- b. Complete at least 2 fire station improvements within 2 years.

Every attempt is being made to complete two Fire Stations within two years. Two stations have been put out to bid and we are awaiting bid responses. A timeline and update were provided to the Town Council in May. We are pleased to have 22 interested contractors who attended the pre-bid meeting and are hoping that they will all submit bid proposals.

- c. Town Council to advocate at a State level on crumbling foundation issues.

In previous years, our Town Manager advocated with our legislators to gain attention for the citizens needs for assistance with crumbling foundations. Several pieces of legislation were passed to provide tax assessment relief and funding for repairs. Our current representatives recently supported the continuance of the assessment relief legislation. On our local level, we are also trying to provide information on our website for citizens regarding crumbling foundations and most recently updated it to include information regarding the current counts of residences affected and also repaired.

- d. Town Council to advocate at a State level to address well water concerns within Tolland.

The Interim Town Manager has sent letters to all of our State Representatives and Senators and US Senators and Congressman to request financial support and other legislative support for potable water for Tolland affected areas. She has been interacting with Congressman Courtney's office to try to obtain funding to address the water supply needs. State Representative, Tammy Nuccio (Council Member) has been addressing well water concerns with the State and the Town. The Interim Town Manager (ITM) met with DEEP on 5/25/22 to discuss their findings from their recent research in the vineyards area. They

were unable to explicitly pinpoint the exact cause and it is a combination of several things. The ITM is requesting information that can be shared with residents for some preliminary action and recommends efforts of the Town Council to continue to address this concern.

- e. Continue efforts with the Historic District and People with Disabilities Commissions to address ADA needs for accessibility in the Historic District.

The Interim Town Manager has hired an historic architectural landscaper to do a study on the sidewalk concerns in the historic district. He has met with the Historic District Commission and the Commission on People with Disabilities to gain input on their needs and concerns. A report is being prepared with options for consideration. A meeting will occur with all stakeholders at the end of June to discuss alternatives. The Interim Town Manager also worked on a campaign to provide for temporary accessibility measures on the Town Green. Donations were accepted to offset the cost of a “Grass Mat” that was purchased and used on the Green to provide accessibility.

- f. Review any other areas of potential accessibility concern.

A study is currently being implemented to review other Town-wide accessibility needs. Additionally, there is some interest by the Girl Scouts to also do a research project on the recreational area accessibility needs in Tolland. We plan to have our Town Engineer to coordinate results and interact with the Girl Scouts. There is also funding in the FY 22-23 capital plan for accessibility improvements at Cross Farms Park.

3. Promote sound recreational opportunities.

- a. Collaborate with the Recreation Advisory Board as needed.

1. Worked with the Miracle League of Northern CT on an initiative to provide a Miracle Field in Tolland. Unfortunately, the Town and the Miracle League were unable to agree on negotiations for the Field and those negotiations were ended.
2. Added a new part-time position to the Recreation Department to provide programming assistance to improve recreational programming.

4. Engage citizenry to be committed to the betterment of the entire community encouraging:

- a. Balance among open space, residential and economic development.

1. Review and explore to become more actively involved with the ongoing partnerships with internal and external organizations that include, but are not limited to Advance CT, Tolland County Chamber of Commerce, Economic Development Commission, Planning & Zoning, Four-Town Project Committee, Advocacy with the State of CT various agencies for economic development opportunities, Tourism and Agricultural Commission towards community and economic development.

- a. Interim Town Manager worked with the Economic Development Commission and Planning staff to prepare inventory of available commercial open space. The information was put into an electronic mapping system which includes all property details including zoning, utilities, etc. The information has been shared with various real estate professionals and developers. A future goal is to use this resource to

attract developers and real estate professionals to Town, possibly provide tours and market Tolland.

- b. Interim Town Manager worked with Santini Developer to revise sewer regulations to make it more attractable for future development for all developers. There will be future reviews with various planning fees to make it more affordable to developers.**

2. Support policies for affordable housing and additional options.

- a. The Planning Director has researched and prepared information for an Affordable Housing Trust Fund ordinance to be considered by Town Council. This fund will work collaboratively with Planning & Zoning Affordable Housing regulations.**

- b. Explore avenues to create more community involvement in the Town Budget process.

Several budget meetings were advertised through various electronic and other media for public participation. All meetings were held hybrid in order for the public to have easier access to the meetings. Presentations and budget data were shared on the Town website and through links on social media. The Interim Town Manager worked with the Vernon Town Administrator on a joint educational series on municipal budgeting and it has been shared with the public via social media and other methods.

- c. Continue work with the Mental Health Task Force and obtain recommendations for addressing mental health community needs.

The Mental Health & Substance Use Advisory Task Force continues to provide recommendations for improvement of mental health community needs. The ARPA Subcommittee members are discussing funding for Mental Health programs. The Mental Health & Substance Use Advisory Task Force is still reviewing different health providers and once a definite choice is made, the ARPA Subcommittee will review with staff to determine the best way to proceed and recommend funding to the Town Council.

- d. Provide opportunity for increased community engagement and advocate for State Statutes will continue to allow remote meetings in the future.

The State Legislature approved the statute to continue the use of remote and hybrid meetings.

Process Notes:

- 1. Achievable, Measurable, Realistic Goals – Metrics, general guidelines
- 2. Data driven decision making
- 3. Review timeline will be every six months – June and December
- 4. Be prepared to support any potential funding/staffing requirements for achieving set goals. Goals must be kept within a reasonable span of control and budget.

AGENDA ITEM BACKGROUND

ITEM: Consideration of a resolution to amend Chapter A176-6 of the Town Code, Policy Number 6: Policy Regarding Use of Tolland Green by Groups and Organizations.

FOR COUNCIL MEETING OF: June 14, 2022

ITEM SUMMARY: At its [November 1, 2021](#) meeting the Tolland Agriculture Commission requested that the Town Farmer's Market have the ability to operate on the Tolland Green. This necessitates the parking of vehicles on the Town Green, which is currently prohibited by § A176-6 Policy No. 6 of the Tolland Town Policies. At the [December 28, 2021](#) Town Council meeting, this item was on the agenda for discussion and recommended changes. It was then discovered at that meeting that there had been discussions with the previous Town Council with several updates being discussed. The Council decided to postpone this item to a later date to be determined. The various recommended changes were researched and incorporated into a revised policy for review this evening.

The proposed modifications provide for:

1. clarification of the purpose of the policy;
2. lessened amount of time to apply for the use of the green and provides information on how to submit the application to the Town Manager in a more efficient manner;
3. identification of agencies and organizations allowed to use the green;
4. updates the governmental structure from the Board of Selectmen to Town Council for waivers for allowing additional groups or organizations to use the green who are not identified explicitly in the policy;
5. allowance for organizations, including the Farmer's Market, to park on the Town Green with authorization from the Town Manager;
6. the ability for the Town Manager to waive the requirement for the insurance certificate with the event organizer to sign for acceptance of liability; and
7. allowance for waivers by the Town Manager in order to make the process efficient with the exception of organizations that may only be approved by the Town Council.

FINANCIAL SUMMARY: N/A

TOWN ATTORNEY REVIEW: N/A.

COUNCIL ACTION DESIRED: Discussion.

SUPPORTING MATERIALS:

- Draft Revised § A176-6 Policy No. 6: Policy Regarding Use of Tolland Green by Groups and Organizations
- Original § A176-6 Policy No. 6: Policy Regarding Use of Tolland Green by Groups and Organizations
- Draft Resolution

§ A176-6 Policy No. 6: Policy Regarding Use of Tolland Green by Groups and Organizations.

[Adopted by the Board of Selectmen 10-9-1984] [Revised 6-14-2022]

- A.** Policy purpose. The purpose of the Town Green Usage Policy is to:
1. Provide a place for any civic gatherings in the Town of Tolland.
 2. Protect public safety by ensuring that events and gatherings are appropriately monitored.
 3. Protect the integrity of the Town Green and the surrounding neighborhood.
- B.** Such use of the Green shall be limited to:
1. Civic, religious or nonprofit/not-for-profit groups located in the Town of Tolland;
 2. Agencies or departments of the Town Tolland;
 3. Any other groups or organizations specifically approved by action of the Town Council.
- C.** Procedures.
1. All requests for use of the Green shall be submitted to the Town Manager. Online forms are available at www.tollandct.gov/town-manager-office. The form may be submitted in person or by email to the Town Manager's office no later than one week prior to the scheduled event. A longer period of time may be required if the Town Council must approve a specific group or organization that is not already approved. An event is defined as something that happens; an occurrence, A noteworthy happening or social occasion or contests in a program or sport.
 2. The party(ies) authorized to use the Green under this policy shall notify the Director of Public Safety and coordinate for police and fire service for control of traffic and pedestrian safety.
 3. Parking of motor vehicles on the greensward is prohibited unless specifically authorized by the Town Manager.
 4. Party(ies) authorized to use the Green shall be responsible for removing all litter at the conclusion of their activity and restoring the Green to its condition prior to such use.
 5. Party(ies) for any event using the Green shall file with the Town Manager "a" or "b" below:
 - a. An insurance certificate evidencing commercial general liability insurance with limits of a minimum of \$300,000 per occurrence for third party bodily injury or property damage claims. The Town of Tolland shall be included as additional insured.
 - b. If agreed to by the Town Manager prior to the specified Town Green use, a waiver of commercial general liability insurance certificate requirement may be executed, signed by the organizer(s) of the event, accepting liability for third party bodily injury or property damage arising from the negligence of organizer or his/her/its/their employees, volunteers, agents, and participants.
- D.** Failure to comply with any of the permitting requirements set forth in this policy shall be deemed an assumption of liability on behalf of the organizer(s) of the event, In all cases, Organizer agrees to indemnify, defend and hold harmless the Town in the event of bodily injury, property damage, claims, lawsuits or other loss arising out of the use of the Town Green. Exceptions to the above requirements are subject to the sole discretion of the Town Manager.
- E.** Any event occurring on the Town Green may be terminated and ordered to disperse based upon public safety concerns as determined by on-scene public safety personnel.
- F.** Any requirements set forth in this policy may be specifically waived for a specific event by action of the Town Council or Town Manager where noted.

§ A176-6 Policy No. 6: Policy Regarding Use of Tolland Green by Groups and Organizations.

[Adopted by the Board of Selectmen 10-9-1984]

A.

All requests for use of the Green shall be submitted to the Town Manager on forms provided by the Town, three weeks prior to the scheduled event.

B.

Such use of the Green shall be limited to nonprofit organizations of the Town or to agencies of Town government unless such restriction is specifically waived by action of the Board of Selectmen.

C.

The party(ies) authorized to use the Green under this policy shall arrange for police service for control of traffic and pedestrian safety.

D.

Parking of motor vehicle on the greensward is prohibited.

E.

Organizations authorized to use the Green shall be responsible for removing all litter at the conclusion of their activity and restoring the Green to its condition prior to such use.

F.

Organizations using the Green shall file with the Town Manager an insurance certificate holding the Town harmless in the event of any damages or claim of liability. The limits of such policy shall be \$300,000 single limitation combined for personal injury and property damage.

Agenda Item #8.6

Consideration of a resolution to amend Chapter A176-6 of the Town Code, Policy Number 6: Policy Regarding Use of Tolland Green by Groups and Organizations.

MOTION that the following resolution be introduced on June 14, 2022 at 7 P.M. via Hybrid Meeting of the Tolland Town Council:

DRAFT RESOLUTION

BE IT RESOLVED that the Town Council hereby amends Chapter A176-6 of the Town Code, Policy Number 6: Policy Regarding Use of Tolland Green by Groups and Organizations pursuant to the updated policy agreed upon on June 14, 2022.

Approved by the Tolland Town Council on _____, 2022



TOWN of TOLLAND/ 21 Tolland Green, Tolland Connecticut 06084

MEMO

TO: Town Council
ATTN: Lisa Hancock, Temporary Town Manager
FROM: Megan Massa, Executive Assistant
DATE: June 14, 2022
RE: Current Board & Commission Vacancies – Agenda Item #8.7

The table below illustrates all vacancies as of June 1, 2022 on Town Boards and Commissions appointed by the Town Council:

Office	Person Appointed/Term
Birch Grove Primary School Building Committee	ONE VACANCY: To fulfill a life term Membership currently includes Dem (1), Rep (1), Unf (5)
Blight Review Committee	ONE VACANCY: To fulfill a term through 01/01/25 Membership currently includes Dem (4), Rep (0), Unf (0)
Board of Building Appeals	FIVE VACANCIES: To fulfill terms through 11/08/23 and 11/05/25 Membership currently includes Dem (0), Rep (0), Unf (0)
Housing Authority	ONE VACANCY To fulfill a term through 06/30/25 Membership currently includes Dem (1), Rep (1), Unf (2)
Inland Wetlands Commission - Alternate	TWO VACANCIES: To fulfill terms through 11/08/23 Membership currently includes Dem (2), Rep (2), Unf (1)
Parks and Recreation Board	ONE VACANCY: To fulfill term through 11/05/25 Membership currently includes Dem (4), Rep (0), Unf (2)
Planning & Zoning Commission - Alternate	ONE VACANCY: To fulfill term through 11/14/23 Membership currently includes Dem (2), Rep (4), Unf (0)
Tolland Mental Health & Substance Use Task Force - Alternate	ONE VACANCY: To fulfill a life term Membership currently includes Dem (3), Rep (1), Unf (3)


Current Board & Commission Vacancies
 Agenda Item #8.7

Office	Person Appointed/Term
Tolland Non-Profit Housing Corporation	ONE VACANCY: To fulfill term through 07/01/26 Membership currently includes Dem (5), Rep (1), Unf (0)
Tolland Water Commission	TWO VACANCIES: To fulfill terms through 01/31/24 and 01/31/25 Membership currently includes Dem (0), Rep (2), Unf (3) Two members need to be on the Tolland Water System.
Water Pollution Control Authority	TWO VACANCIES: To fulfill terms through 08/26/23 and 08/26/24 Membership currently includes Dem (0), Rep (1), Unf (2)
Water Pollution Control Authority - Alternate	TWO VACANCIES: To fulfill terms through 08/26/22 Membership currently includes Dem (0), Rep (1), Unf (2)
Zoning Board of Appeals - Alternate	ONE VACANCY: To fulfill a term through 11/14/23 Membership currently includes Dem (1), Rep (4), Unf (1)

Appointments:

Parks and Recreation Board

James P. Leahy, 14 Doe Run, term 6/14/22 – 11/05/25

James P. Leahy
14 Doe Run
Tolland, CT 06084


February 10, 2022

To Whom It May Concern:

I write this letter to express my interest in filling the opening on the Tolland Recreation Board.

I am familiar with the workings of the Recreation Advisory Board. As the former boys HS soccer coach and a town resident since 1994, I understand the nature of the work and the programs it supports. I am familiar with some of the challenges in town and would love the opportunity to give back and support the Board's work.

I have been deeply involved in athletics and recreation for my entire life. I served on the Boards of the CT Soccer Coaches Association, the Brandeis University Athletics Hall of Fame, and the Tolland Soccer Club as well as managing a number of non-profit boards. I believe that perspective can be helpful to the Board as we deal with providing opportunities to the residents of the town of Tolland.

Thank you, in advance, for your consideration.

Sincerely,

James P. Leahy, CAE

From: Jeffrey Gallagher <[REDACTED]>
Subject: My position on the Old Post Village Board
Date: March 29, 2022 at 1:04:33 PM EDT
To: Rudy Fiorillo <[REDACTED]>

Dear Rudy,

I am writing to let you know that I will not be applying for, nor considering, reappointment for the Old Post Village Board when my term ends in June of 2022. I have enjoyed my time with the Board as we have seen Old Post Village through some major management changes, but I believe now is the time for me to step aside. I am grateful for your leadership and know that the Board will be in good hands with you at the helm.

Please pass this along to anyone in the town who may need to know of my plans and do let me know if I need to do anything further to wrap up my time with you. It has been a pleasure serving the town and Old Post Village in this capacity.

Sincerely,
Jeff Gallagher

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Rev. Dr. Jeffrey M. Gallagher, Senior Pastor
United Congregational Church of Tolland
United Church of Christ
45 Tolland Green
Tolland, CT 06084
[REDACTED]

www.ucctolland.org

May 26, 2022
Town of Tolland
21 Tolland Green
Tolland, Ct. 06084

ATTN: Town Managers office

RE: Position of Resident commissioner and Board member of old Post Village

Dear Sirs/Madam, Effectively immediatley, I am resigning my position.

CC/ s.m.

sincerely, Steve Merton
763 Tolland Stage Rd
Tolland, Ct. 06084



SPECIAL MEETING MINUTES
TOLLAND TOWN COUNCIL
HYBRID MEETING
MAY 19, 2022 – 12:00 PM

Council Members Present: Steve Jones, John Reagan, Tammy Nuccio, Lou Luba, Colleen Yudichak, Katie Murray, Sami Khan (arrived 12:25PM)

Council Members Absent: none.

- 1) **Call to Order:** The meeting was called to order at 12:10 PM by Steve Jones.
- 2) **Executive Session:** At 12:10 PM, Lou Luba motioned, seconded by Katie Murray, to go into Executive Session and invited Doug Thomas and Mike Wilkinson with a unanimous vote of 6-0-0 to discuss the Town Manager Search. The Executive Session concluded at 10:51 PM.
- 3) **Adjournment:** Lou Luba motioned, seconded by Tammy Nuccio, to adjourn at 10:51 PM with a unanimous vote of 7-0-0.

Steve Jones, Chair

MINUTES

TOLLAND TOWN COUNCIL HYBRID MEETING May 24, 2022 – 7:00 P.M.

Members Present: Steve Jones, Chair; John Reagan, Vice Chair; Sami Khan, Katie Murray, Lou Luba, Colleen Yudichak

Members Absent: Tammy Nuccio

Also Present: Lisa Hancock, Interim Town Manager; Dr. Walter Willett, Superintendent (Zoom); Maureen Flanagan, Assistant Director, Human Services; Bev Bellody, Director, Human Services

1. **CALL TO ORDER:** The Chair called the meeting to order at 7:00PM.
2. **PLEDGE OF ALLEGIANCE:** Recited
3. **MOMENT OF SILENCE:** In observance of the tragic shooting in Uvalde, Texas
4. **PROCLAMATIONS/PRESENTATIONS:**
 - 4.1 Proclamation Recognizing Angela Luba for the 2022 Nightingale Award for Excellence in Nursing. Mr. Jones read the Proclamation into the record. Mr. Luba thanked everyone for supporting his request.
 - 4.2 Proclamation Recognizing June as LGBTQ+ Pride Month. Mr. Jones read the Proclamation into the record.
5. **PUBLIC PETITIONS, COMMUNICATIONS, AND PUBLIC PARTICIPATION** *(on any subject within the jurisdiction of the Town Council) (2-minute limit)*

Charles Williams, 53 Ryan Road, thanked the Council for recognizing Pride Month. He explained that as a white, straight guy it is easy to take things like this for granted but as a retired pastor and former prison chaplain for over 30 years that this is an issue that affects people's lives deeply. Sometimes when it doesn't affect one or their family personally it is easy to forget about the issue. He commented that this particular issue does not just affect quality of life but sometimes can be a life and death issue especially for young people. As a pastor he has counseled mothers whose children have been killed. He cited an example and explained that one mother's grief seen over the years gets to one's core as a parent. Mr. Williams noted the mass shooting in Texas today where 14 young people's families and teachers will go through a lifetime of grief. When something positive is done for youth, it is often more than people realize. He cited an example of a young boy who had multiple suicide attempts. Mr. Williams explained that when people put the flag in their yards and show support for their neighbors, it matters. Young people believe those in positions of authority. Mr. Williams is a new member of the Local Prevention Council which learned that 42% of the LGBTQ youth considered suicide in the past year. Seventy-two percent reported symptoms of generalized anxiety disorder in the last 2 weeks. Nearly half of these youth have wanted counseling from a mental health professional, but it is difficult for them to receive it. Further, 70% stated that their mental health was poor most of the time or always during Covid. Mr. Williams commented that youth are not receiving the needed counseling opportunities. Both he and the Local Prevention Council thank the Town Council for supporting Pride Month.

Jacob Marie, 32 Stuart Drive, noted that he is speaking as a member of the public. In regard to the Miracle Field project, the current proposal leaves him with a number of concerns. Under ideal circumstances, the field would be beneficial to everyone, but he believes the Council needs to ensure that

the Miracle League organization is able to pay for the field's upkeep and replacement costs as outlined in the MOU. The field is an expensive facility that will need to be replaced frequently and if the MLNCT cannot come up with funds on its own, the town will be on the hook for the replacement cost. Mr. Marie explained that this is not just speculation and cited the THS turf field that also came with the best intentions and promises but was not able to pay for itself. He is concerned that they will end up in a similar situation with the Miracle League field if the proper steps are not taken. Mr. Marie noted that while noble, and the field would be nice to have, he feels this needs to be addressed first. The process with a planned vote this evening seems rushed and needs to be better thought out.

6. **PUBLIC HEARING ITEMS:** none

7a. **REPORTS OF BOARDS AND COMMITTEES RESPONSIBLE TO THE COUNCIL:** none

7b. **REPORTS OF TOWN COUNCIL LIAISONS**

- Conservation Commission – Mr. Jones provided an update of the May 12th meeting. Will meet again on May 26th.
- Water Commission – Mr. Jones provided an update of the May 23rd meeting.
- Veterans Recognition Commission – Mr. Luba provided an update.
- ARPA Subcommittee – Ms. Yudichak provided an update of the May 17th meeting.
- Board of Education – Ms. Yudichak referenced the May 23rd meeting.

8. **NEW BUSINESS (ACTION/DISCUSSION ITEMS):**

8.1 General budget discussion and consideration of a resolution to establish a mill rate.

Ms. Murray motioned:

WHEREAS, the proposed FY 2022-2023 budget of \$59,710,999 passed at referendum on May 17, 2022.

NOW, THEREFORE, BE IT RESOLVED by the Tolland Town Council that it hereby sets a mill rate of 36.58 mills for Real Estate and Personal Property and 32.46 for Motor Vehicles. It further authorizes the Interim Town Manager or her designee to mail out tax bills reflecting this final rate with an assigned due date of July 1, 2022.

Mr. Luba seconded the motion.

Discussion: Ms. Murray commented that during budget discussions they knew this vote was upcoming and Ms. Hancock explained that one reason the mill rate is not set at referendum is because there could be adjustments based on revenue. She confirmed that no adjustments due to revenue change were made.

All were in favor. Motion passed unanimously.

8.2 Consideration of a resolution authorizing deposit and use of the Nip Bottle Fee revenues (revenue account 33000060-681034) toward catch basin/street sweeping debris disposal costs (expense account 33000072-777400) under this Public Act 21-58

Ms. Hancock provided background information on this item.

It is estimated that Tolland will receive \$21K in revenue and has thus far has received about \$7,150.

Ms. Hancock explained that there are limited uses for the funds and cited examples. She

recommended using the funds for the cost of disposal of trash collected from storm drains and the street sweeper.

Ms. Murray asked if this authorization is for the money received to date. Ms. Hancock explained that it is for what has been collected and what is received going forward. Ms. Murray asked if the funds would cover all of the disposal costs. Ms. Hancock responded that it depends on the revenue. She confirmed that if revenue exceeds expenses, this can be reevaluated.

Mr. Luba motioned:

BE IT RESOLVED, by the Tolland Town Council that it hereby approves as follows:

Authorizes deposit and use of Nip Bottle Fee revenues (revenue account 33000060-681034) towards catch basin/street sweeping debris disposal costs (expense account 33000072-777400) under Public Act 21-58.

Ms. Murray seconded the motion.

Discussion:

All were in favor. Motion passed unanimously.

8.3 Consideration of a resolution to approve the use of up to \$200,000 of ARPA funds for the Miracle Field site preparation.

Ms. Hancock read the Agenda Item Background into the record.

She explained that if the Miracle League goes into town, contingent upon the execution of a contract between the town and the Miracle League, approval of the proposed resolution would show good faith and that it is supported by the Council.

Ms. Murray noted that the Council received a communication through Ms. Hancock through Dr. Willett from the BOE and asked that it be attached to the minutes. Ms. Murray confirmed that what is proposed in this item is an allowed use of the ARPA funds and asked about the mechanics. Ms. Hancock explained that she is working with the attorney on how to move forward given that there are certain laws that govern how the funds are spent, accounted for, and reported to the federal treasury. It would be a project of the town to clear the site and do the preparation work up to \$200K. Ms. Murray asked if \$200K is the right number. Ms. Hancock responded that the Miracle League group's engineer as well as the town's engineer felt comfortable that \$200K, even with prevailing wages, is a reasonable number.

Mr. Reagan commented that when first presented, everyone was on board and wanted it. It would be a great asset for the town and due diligence has been done. The town paid half of the cost of a survey to examine alternative sites. He is uncomfortable using \$200K of ARPA money given the recent budget process, the current economic times, and it has been discussed that it will be a regional facility. Mr. Reagan understands that the Miracle League is looking at a site in Vernon which is further along in the process. If the Miracle Field is in Vernon, Tolland residents would be able to use it. While less convenient, it is the next town over and if a regional facility, having it in Vernon may be a good alternative rather than using \$200K of the ARPA money.

Mr. Luba asked if the ARPA Subcommittee's vote to present this to the Council was unanimous. Ms. Yudichak responded that it was. Mr. Luba commented that while this would add value to the town, the \$200K in ARPA funds may be used for other specific items. His concern is looking down the road. After reading Dr. Willett's letter, which identified many legal issues, if they go forward very clear obligations need to be stated. He is not comfortable going forward with only an MOU. He cited the example of the turf field at THS that did not generate the promised revenue and noted that his main concern is the cost and time needed for maintenance to keep up the appropriate ADA standards. Mr. Luba explained that this needs to be looked at holistically. If the \$200K is approved, other considerations are needed that delineate the obligations of everyone involved. Although it would be on town property, it is a Miracle League field and should be the responsibility of the Miracle League. He noted that he has significant concerns about using the ARPA funds. While this is an acceptable use of the funds, the question is if it is an appropriate use.

Mr. Jones confirmed that the estimate is \$140K-\$200K and asked what happens if the full \$200K is not needed. Ms. Hancock responded that it would go back to the ARPA fund.

Mr. Luba confirmed that the \$200K is only for site prep. He asked what happens if they run into the issue of unsuitable soil. Ms. Hancock explained that testing would need to be done before the project starts. It was noted that Town Engineer Chuck Eaton and Todd Penney, PE, engineer representative for the Miracle League were in attendance. Mr. Luba asked if studies for the area being proposed for the field have been done. Mr. Penney responded that a Phase I environmental study has not been done but in his opinion, as a professional engineer, he is not concerned. Mr. Eaton noted due diligence needs to be done and would be part of the \$200K.

Ms. Yudichak commented that she understands that the Miracle League has received a great offer from Vernon, and it disappoints her that kids in Tolland would have to go to Vernon to play. Their families are also taxpayers and it is a good use of the ARPA funds. She noted that she and Mr. Khan watched a game and saw the excitement. Ms. Yudichak commented that while there is controversy, Ms. Nuccio reviewed the numbers. They have looked at a lot of options and this is an investment for the town. Businesses will make money and there will be a lot of attraction. It will not only be for those with disabilities but the buddies who help as well as the families who would not have connections in other places. She is disappointed that the community is in favor of it but that there is a "but". Ms. Yudichak commented that one either supports it or they do not. To say "go to Vernon" is disappointing. Mr. Reagan commented that it is a regional facility that would be going in Vernon, the next town over. While it would be a little less convenient for those in Tolland, they would still be able to go to a Miracle Field. Ms. Yudichak noted that she understands the BOE's concerns and is disappointed that they were not part of the conversation but were invited to a stakeholder meeting and were not in attendance. She added that Dr. Willett was there for a little while and that e-mails were received from Mr. Marie and Ms. Griffin. Ms. Yudichak commented that the Miracle Field would put Tolland on the map and be a good thing for Tolland. She added that major capital items are on the ARPA runner and confirmed that after the \$200K, over \$1M still remains. Further, this has opened the door to talking about people with disabilities and how to help everyone in the community.

Mr. Jones noted that the resolution is on the condition of a negotiated execution of a contract. He noted that this is a good faith effort but confirmed that if this cannot be reconciled, the money would go back into the fund. Ms. Hancock explained that thus far in her interactions with Mr. and Mrs. Leibowitz, the attorney, and other stakeholders many concerns expressed are being discussed

and addressed. She noted that they need to ensure it is put into a firm legal commitment for both parties and progress is being made but she wants to ensure everyone is aware and has a good understanding before the final document is presented if this is how the Council moves forward this evening. Mr. Jones asked Mr. Eaton and Mr. Penney if the site is reasonable for what is being proposed. Mr. Eaton responded that the field will fit in the space but small details will need to be addressed. Mr. Penney responded that the area is perfect in that it is relatively flat and alignment in terms of the pitcher's mound to centerfield is optimal. In his professional opinion, it is fine but he noted that there is a grade difference between the parking area and the field so they are planning an accessible route. Mr. Jones asked Ms. Hancock if when the space is cleared if there is an opportunity for revenue from the trees that are cleared. Ms. Hancock responded that there may be. There are options - it will be dependent on the timber.

Mr. Khan asked if once the land is addressed if the Miracle League would take on full maintenance of the property. Mr. Penney noted that he can only speak to the field's construction. The operations and maintenance are part of the MOU that is being worked on by Mr. Byam and Mr. Leibowitz. Ms. Hancock noted that the use of the ARPA funds for this specific purpose is contingent on the condition of the negotiation and execution of a contract between the town and the Miracle League with all of the concerns being addressed. Mr. Khan commented that there are rumors that this will cost the town money and that \$200K is being given to the Miracle League. He wants to confirm that the town is not taking any responsibility aside from the \$200K. Ms. Hancock responded that they are working on this in their contract negotiations. There are certain things the town may do but payment would be received for the services. All of the information will be shared with the Council. Mr. Khan noted that he is in favor of having the field in town and appreciates what is being done for the kids.

Ms. Yudichak asked how many people would use the field.

A brief discussion took place regarding relevancy. Mr. Jones ruled that the question may be asked but requested that it be related to the site plan and the approval of the use of the \$200K.

Ms. Yudichak will pose the question under the next item. She thanked Mr. Leibowitz for his service to Tolland.

Mr. Luba asked for the exact amount it is expected to cost to clear the proposed area. A range of \$120K-\$200K has been discussed. He expressed concern that it would cost more given that while he has been on the Council, the costs of projects have been more than anticipated, and noted concern about covering the additional expense. They want to see the project happen but need to be realistic about what difficulties may be encountered and look at the worst-case scenario. Ms. Hancock responded that the estimate is \$138K. Mr. Penney noted that this is based on his work and includes prevailing wages. Ms. Hancock noted that up to \$200K, even with prevailing wages, to clear and prepare the site would be sufficient. Mr. Eaton confirmed this and noted that he likes that the \$200K is being used. It provides a contingency to cover escalation costs and other items. Mr. Luba noted that while they will need to do prevailing wages, the town doing the project on town property is bound by separate requirements. Mr. Eaton explained that they will be looking at both state and federal wage rates, but they are essentially the same. Ms. Hancock noted that they will have to abide by federal regulations to appropriately comply with the use of the ARPA funds.

Ms. Murray commented that she is in favor of using up to \$200K of the ARPA funds for the Miracle Field site preparation. It is less than 5% of Tolland's ARPA designation. There are benefits to families who are taxpayers in Tolland as well as businesses. She referred to a quote by President

Franklin Delano Roosevelt received in an e-mail from a Tolland resident, “The test of our progress is not whether we add more to the abundance of those who have much, it is whether we provide enough for those who have too little”. Ms. Murray commented that the kids have too little and the \$200K seems like a good use.

Ms. Yudichak motioned:

THEREFORE, BE IT RESOLVED that the Tolland Town Council approves the use of up to \$200,000 of ARPA funds for the Miracle Field site preparation work on condition upon the negotiation and execution of a contract between the Town of Tolland and the Miracle League of Northern CT.

Mr. Khan seconded the motion.

Discussion: none

A roll call vote was taken.

In favor: Murray, Khan, Yudichak, Jones, Luba

Opposed: Reagan,

Abstentions: none

Motion passed.

8.4 Discussion and possible approval of a Miracle Field Agreement.

Ms. Hancock provided background information on this item.

She noted that her discussions with Mr. and Mrs. Leibowitz and Mr. Byam have been going well. They are trying to work together to build a solid contract and address the concerns. A bit more is still involved to protect the town as well as the funds that will be put forward. Part of the contractual agreement includes establishing a trust fund and this has been discussed with counsel. The initial deposit would be \$50K and at least \$15K/year would be added for field replacement. She noted that Mr. and Mrs. Leibowitz indicated that the replenishment may be deposited sooner. Ms. Hancock noted that there needs to be a well-drawn out negotiated contract and not a memorandum of understanding or memorandum of intent. She sent a red-lined document to the Councilors and asked that they respond to her with their concerns so she can ensure they are discussed with the Miracle League.

Ms. Hancock recommended that the vote be postponed until the document can be solidified.

Mr. Jones asked Mr. and Mrs. Leibowitz if the passing of the resolution for the \$200K is a good faith signal that the negotiation can continue. Mr. Leibowitz commented that East Lyme and West Hartford only had an MOU. East Lyme welcomed the project and did not have concerns about replacement. The MOU is a letter of intent – a good faith effort on the part of the Council. It is not a binding contract. He explained that the MOU is no different than putting an offer on a house that has contingencies. He wants people to think about why the Miracle League is still here. He asked that they think about the asset the field would be for Birch Grove and the community. It will be available for use by Birch Grove and is a field that will not puddle or have pesticides. Mr. Leibowitz explained that they went to Vernon and other towns because the discussion has gone back and forth in Tolland. Mrs. Leibowitz added that they want to put the field where it is fully wanted and embraced by the community. Mr. Leibowitz commented that they do not want a community to accommodate them but to want and fight for them and thank them for giving this gift to the community. He explained they have spent hours raising \$200K. They have had an agreement with

Vernon for about 6 weeks, but they approached Tolland first and the town has spent time and effort. Mr. Leibowitz explained that they have a committee of 9 people, and he does not know where the committee will go with its decision. He noted that Mr. Byam has stated that the MOU is not a binding contract – it is an intent. They are willing to take the MOU and tabling it hampers Tolland a little bit because it means Mr. Leibowitz has to put off the other towns. He noted that both Tolland and Vernon know that the Miracle League is talking with both towns. The League is not pitting the towns against each other – the deal is not different. He explained that the kids need somewhere to play. The fields in East Lyme and West Hartford draw from 45 communities and families travel up to an hour to play on those fields. Mr. Leibowitz commented that they would rather not table this because it is only an MOU. Then they can take 30 days to see if they can make a deal. Thus, they would like a vote on an MOU or the intent to do the project going forward. He explained that it is non-binding and likened it to a straw poll and does not want it to become a democrat/republican item. It is for the special needs community of Tolland and this is a gift they want to give the town. Mr. Leibowitz noted that they will put up the \$50K and commit to \$15K/year. He hopes that going forward, if the field is in Tolland, that the Councilors will ensure that the field will remain and be partners and help fundraise for it. They want to see a vote on an MOU tonight or a vote to say ok if Ms. Hancock and Attorney Conti can get the language right. They have the authority to sign the MOU – an intent and good faith gesture from the Council to put the Miracle Field in Tolland. He noted that the Miracle League has an MOU from Vernon.

Mr. Jones noted that he has had conversations with Ms. Hancock and understood that the ARPA funds would be the good faith gesture. The Council will offer to hold a special meeting if the Miracle League does not want to wait until the next regular meeting. This would allow time for Ms. Hancock to finalize the document. Mr. Leibowitz noted that Mr. Byam said at the May 5th meeting that they want to select a field by the end of the month. Ms. Hancock noted that she has spoken with the attorney and they want to put everything into a final contract rather than an MOU or MOI. Mr. Leibowitz commented that an MOI is acceptable to them to say that they are ready to negotiate a contract. Ms. Hancock noted that she does not have anything prepared this evening for the Council to vote upon. Mr. Jones explained that this was his understanding when he spoke with Ms. Hancock on Monday. She shared the recommendation to postpone the vote with the Council via e-mail. Mr. Leibowitz commented that the first he heard about tabling the vote was at the BOE meeting last night. Mrs. Leibowitz commented that Ms. Hancock discussed this and explained that they just want a deadline – when the Council will have a decision. It keeps getting pushed and there will always be something. Mr. Jones explained that discussion regarding negotiation should take place internally in the town. The Council voted to have Ms. Hancock work with the Miracle League and provide updates to the Council. Mr. Jones' intent was to have it postponed to the next regular meeting or hold a special meeting. Mr. Leibowitz commented on having a special meeting held next week and a non-binding resolution from the Council that says they want the Miracle Field in town. Mr. Jones explained that the discussion needs to occur between the Town Manager's Office and the Miracle League with updates to the Council as it was voted upon.

Mr. Luba commented on the request regarding a good faith showing from the Council. He explained that the Council just voted on \$200K as good faith. It was not unanimous or by party lines. Mr. Luba commented that he is insulted that they are saying that the Council needs to show more and explained that they are going back to last year when the Miracle League presented to the Birch Grove Building Committee saying that they needed to act at that time. He added that the Council is being put in a corner. The Miracle League is expecting an MOU in a specific timeframe and to be done in a particular way. Mr. Luba noted that he is not ready to do this. It is not because

of showing good faith – the vote just showed that they have good faith - \$200K was approved for clearing the property. He noted that they are being face with almost an ultimatum – that this needs to be done now or they will look elsewhere by saying that they hoped for a decision by the end of the month. Mr. Luba added that if this is what it comes down to that his vote will be “no”. The Council’s obligation and requirement is to do its due diligence. He asked if Mr. Leibowitz is saying that the MOU does not mean anything, why is it needed? He commented that the \$200K is good faith and if the MOU is not needed or does not mean anything, then why would the Council sign it and why is it being demanded. He added that the BOE needs to be involved as well so they can speak to what they want in the contract since it will be on their property and they will be responsible for maintaining it to some degree. Mr. Luba explained that he understands the desire to move quickly on this and they have been waiting a year and a half since it was originally brought forward but the Council has an obligation to be good stewards and to do what is right for the town and protect it. He added that there are other concerns as well. They are saying that Birch Grove students may also use the property. He has seen other situations where people have used a field so much that it was worn down and the town needed to step up and pay money - this happened in West Hartford. He feels the Council’s hands are being forced and he is not comfortable going forward with an MOU. As an attorney, it would be negligent on his part. As a Council member, what is he right now, putting his attorney position aside, this is even more negligent. He needs to ensure that all the concerns of the town are appropriately covered, and all stakeholders need to be involved. The Council has expressed its support all the way along and would like to do its due diligence and have something more binding. Mr. Luba commented that the Council has seen the issues raised by the BOE. If the Council considers going forward, the concerns should be appropriately addressed in the MOU while working on the contract. Thus, he is not comfortable with the MOU that has been presented. If forced to vote on the MOU tonight, his vote is a “no”. They need more than what has been presented so the obligations are clearly delineated since they just pledged \$200K.

Mr. Jones noted that a communication was shared regarding the BOE’s concerns and he believes some of these are included in the ongoing negotiations. The draft resolution for the \$200K in ARPA funds is conditional on the negotiation and execution of a contract. Mr. Luba commented that while negotiations are ongoing, the concerns are not appropriately reflected in the MOU that was presented. In terms of the MOU, it is one of the most basic that he has encountered. This is why is he concerned given the scope.

Ms. Murray asked what matter is currently before the Council for discussion. Mr. Jones reviewed the draft resolution, “that the Tolland Town Council approves the agreement between the Town of Tolland and the Miracle League as set forth in the Agreement dated 5/24/22”. He explained that it was not included in the packet based on the recommendation of the Interim Town Manager to postpone it. Thus, the Council does not have anything to vote on for this item this evening but the \$200K was a good faith step to have the Miracle League in town. His intent was to have a discussion tonight and have Councilors provide input as negotiations continue. Ms. Hancock has been given the continued authorization to do the negotiations. Ms. Murray confirmed that the motion that passed unanimously at the May 10th meeting where the Council voted to allow the Temporary Town Manager to enter negotiations with the Miracle Field League is still in effect and the Council approved, in a bipartisan manner, up to \$200K of ARPA funds to prepare the site for the Miracle Field.

Mr. Reagan commented that when the Miracle League first presented the proposal everyone wanted it in town. While he articulated his issue with the \$200K of ARPA funds, now that it has passed, he wants to do whatever they can to bring the field to Tolland. He noted that he believes the motives are sincere and believes in the organization.

Ms. Yudichak commented that she agrees that it is good faith that the up to \$200K was approved. There has been mentions of a deadline. A special meeting could be held next week and the BOE has valid concerns that should be respected and discussed. She wants the field in Tolland. A little more time is needed to get it right.

Mr. Leibowitz noted that the best way to hammer out a deal is to have stakeholders in the room and cited them rather than having Ms. Hancock bring it to separate entities. Mr. Luba explained that the Council is bound by different rules and cited FOIA requirements.

Mrs. Leibowitz asked if the site being proposed is on town property or school property. Mr. Jones explained that it is town property. Ms. Hancock noted that all property, even where the schools are, is town property. She noted that if the negotiations of the contract for the project are going to have any impact on the BOE then they should be included. This includes any future impacts. Currently, the only impact in the language is that the school system may use the field during the school day. Any other use would be limited to the Miracle League for its activities and additional usage would go through the Tolland Parks & Recreation program for scheduling. Further, there is no language regarding the BOE having any responsibility for maintaining the field or providing custodial services or repair. Mr. Jones explained that the understanding is that this is between the town and the Miracle League. Given the proximity, the school system may use it, but the primary purpose is to give the kids of the Miracle League a home and have it available for other high-needs people when not in use. He noted that at the May 5th meeting, Mr. Marie sent commentary and Ms. Griffin and Dr. Willett stayed for some of the meeting but was unsure for how long. This evening, only Mr. Marie shared insight. Mr. Jones noted that the Council's minutes are shared with the BOE and believes they need to reinstitute having a BOE liaison attend Council meetings. Ms. Hancock noted that Dr. Willett was in attendance for the entirety of the May 5th meeting. She added that a straw poll was taken at that meeting and the preferred site was the Cross Farms location. When visited by the engineer and the Miracle League, it was determined that it would be much more costly than the area being discussed now. Thus, the BOE at that time was likely not aware of the proposed site (site #8) with the exception of the discussion of the site during the meeting. Mr. Jones noted that the location was clarified at the Council's May 10th meeting when the vote was taken to go into negotiations.

Ms. Yudichak recommended that the Council hold a special meeting next week. She does not want to lose the Miracle Field.

Ms. Murray commented that she is in favor of bringing the Miracle Field to Tolland and is excited about it. She thanked the Miracle League for bringing this before the Council. The Council members volunteer their time to the community and it takes a village. The Miracle League is contributing in another way. She thanked them.

A discussion took place regarding scheduling.

Mr. Jones invited Dr. Willett to provide commentary and conveyed an open invite for him and BOE members to attend the special meeting.

Dr. Willett responded that the Board would appreciate the opportunity and appreciates the hard work of the Council and the Miracle Field of Northern Connecticut (MFNCT). He stated that he would let the comments of the Board, through the communication today, stand as his comments for this evening.

Ms. Yudichak motioned to postpone this topic to a special meeting to be held on Tuesday, May 31st at 7:15PM.

Ms. Murray seconded the motion.

Discussion: none

All were in favor. Motion passed unanimously.

8.5 Appointments to vacancies on various municipal boards/commissions.

No appointments.

Anyone interested should reach out to vacancies@tollandct.gov.

Ms. Hancock noted that a concern was shared with the Council regarding an individual who applied for the Commission on People with Disabilities. A reply e-mail was sent with an apology. The Committee selected someone and while they normally send a letter to applicants advising them that a position has been filled, it did not happen this time. Ms. Hancock publicly apologized for this and noted that they are putting procedures in place so it does not happen again.

9. **OLD BUSINESS (ACTION/DISCUSSION ITEMS):** none

10. **REPORT OF THE TEMPORARY TOWN MANAGER**

- Ms. Hancock noted that she is pulling together information on Council goals as she prepares for the next meeting. She sent letters to federal legislators requesting assistance with well water concerns to learn if anything can be done and shared copies with the Council.
- Ms. Hancock asked if any Councilors have reached out to the state regarding legislation on crumbling foundations. Mr. Jones responded that he sent a communication about sharing town-specific data on the crumbling foundation site to show statistics.

11. **ADOPTION OF MINUTES**

- 11.1 May 5, 2022, Budget Meeting Minutes
- 11.2 May 5, 2022, Special Meeting Minutes
- 11.3 May 10, 2022, Regular Meeting Minutes

Mr. Luba motioned to accept the minutes as laid out in 11.1, 11.2, and 11.3.

Ms. Murray seconded the motion.

Edits: none

Motion passed unanimously.

12. **CORRESPONDENCE TO COUNCIL**

(36 e-mail communications were received between May 11th and tonight as of 7PM)

- E-mails (16) – Miracle Field
- E-mail - Town Charter
- E-mail – Birch Grove Project
- E-mail – Birch Grove athletic field condition

- E-mail – Cross Farms fields
- E-mails (4) – budget
- E-mail – DEEP Climate Solutions Newsletter
- E-mails (7) – Town Manager Search
- E-mail – Heat pumps
- E-mail – contaminated wells
- E-mail – food waste
- E-mail – vacancies on boards and commissions

13. **CHAIRPERSON'S REPORT**

- The Council is still in deliberations and negotiations regarding the Town Manager Search. They hope to have an official announcement this week or next. Mr. Jones thanked everyone who attended the Meet & Greet events and sent communication. He thanked Ms. Hancock for all she has done over the past several months. They value how well she has kept the community together.
- Sunday, May 29th, Parade
- Thursday, June 2nd, Chair Hour (tentative date)

14. **COMMUNICATIONS AND PETITIONS FROM COUNCILPERSONS**

- Ms. Yudichak asked about the contaminated wells and survey. Ms. Hancock responded that they hope to have information this week from the state regarding the status and testing results of the wells. Regarding the survey, they cannot send a survey to the public until they know the potential cost. They have not yet heard anything from the state regarding the application and may not hear back until later this year or next. The letters she sent to state legislators requested that the town be able to allow for consideration on assessments. It also included a plea for state assistance to fund water projects not only in Tolland but in similar towns. Ms. Hancock also reached out to federal legislators requesting state funding to try to address water concerns. Ms. Yudichak noted that the letter sent by BOE member Mr. Marie to the Council for the May 5th meeting was not from him individually. Mr. Jones noted that they would communicate to Dr. Willett about having a BOE liaison attend Council meetings to improve their partnership.
- Ms. Murray thanked Mr. Jones and Mr. Reagan for the discussions last week regarding the Town Manager Search. A lot of time was put in and she left feeling more positive about the relationships the Councilors have with each other. She thanked leadership for facilitating this and the Councilors for the discussions.

15. **PUBLIC LISTED PARTICIPATION** *(on any subject within the jurisdiction of the Town Council) (3-minute limit)*

Christine Griffin, 80 Doe Run, commented that she is speaking as the Chair of the BOE's Finance and Facilities Committee with an emphasis on facilities. Regarding the May 5th meeting, there was some confusion as to whether Board members could speak. The agenda did not have public participation and she was not aware that she could speak. She agreed with Mr. Jones' suggestion about having a BOE liaison to the Council and will bring this up to the Board Chair. She hopes that anything specific to the BOE that comes up at a later date is shared via Chairperson to Chairperson communication. Ms. Griffin commented that she was disappointed that the e-mail Dr. Willett drafted on behalf of the Board was not discussed. She hopes it will be presented at the Special Meeting next week. They have unresolved issues with the turf field at THS and the BOE would like to see a contract with very specific responsibilities laid out as far as maintenance, repair and replacement with the Miracle Field. They want to ensure they do not saddle future boards with how to repair or replace the field when the time comes. She knows

discussion about the Miracle Field has been emotional and hopes the Council is willing to include the BOE in any discussions if the field is going to be placed on school grounds. Ms. Griffin explained that while it is town property, when students use it the Board is expected to provide some maintenance. Thus, she would like the Council to consider having the Board involved in the contract negotiations.

Mr. Jones noted that the e-mail/document received from Dr. Willett was mentioned and will be included with the minutes.

Ms. Griffin noted that she would have liked to have had it read.

Dana Philbin thanked everyone for the robust conversation. It has been about a year and a half since the Miracle Field was first presented. The BOE held a special meeting last night about the Miracle Field because it would be on school grounds. Ms. Philbin recalls when it was first presented at the Birch Grove Building Committee that it would be a good opportunity during the construction and finishing phases to place it at Birch Grove. She noted that the Miracle Field would be a wonderful asset to the community and town, but they need to approach it appropriately and fiscally responsibly. The BOE would like to be part of the discussion and she likes the idea of having a Board liaison to the Council

Ms. Hancock noted that she will ensure that the BOE is invited to the Special Meeting. Further, as she negotiates the contract, she will share it with Dr. Willett and ask him to share it with the Board for review. Ms. Hancock noted that she has initiated a study through the town's engineering firm to look at all of the other recreational fields in town in regard to ADA accessibility. This will provide an idea of what needs to be done.

16. **ADJOURNMENT**

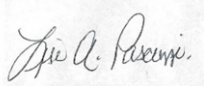
Mr. Luba motioned to adjourn the meeting at 9:26 PM.

Ms. Yudichak seconded the motion.

Discussion: none

A roll call vote was taken. Motion passed unanimously.

Respectfully submitted,



Lisa Pascuzzi
Town Council Clerk

Town Council Chair

From: Willett, Walter <wwillett@tolland.k12.ct.us>

Sent: Tuesday, May 24, 2022 2:50 PM

To: Lisa Hancock <lhancock@Tollandct.gov>

Cc: Steven Jones <sjones@Tollandct.gov>; Lundgren, Ashley <alundgren@tolland.k12.ct.us>; Sophia Shaikh <sshaikh@tolland.k12.ct.us>

Subject: [EXTERNAL]Tolland Board of Education message to Town Council

Good afternoon Lisa. I have been asked to convey this message through you, CC'd to Steve Jones, to the Town Council.

TO: Hardworking members of the Town Council
FROM: Tolland Superintendent of Schools on behalf of the Tolland Board of Education
RE: Miracle Field Proposals/Project
DATE: 5/24/2022

The Tolland Board of Education thanks the Tolland Town Council for its hard work and efforts on behalf of the children and community of Tolland in consideration of the Miracle Field. The TBOE wishes to ensure the sustainability of this meaningful resource should the determination be made to locate it in Tolland. In accordance with that objective, the TBOE respectfully recommends the following:

1. A legal and binding contract be created and agreed upon before the project moves forward, rather than a "memorandum of intent," and that this contract outlines the requirements of all parties as well as the actions to be taken if those requirements are not met. This is not recommended because any party is felt to be unreliable, rather given the variable state of the economy commitments need to be based on guarantees that do not rely on favorable economic conditions and contributions. For example, what specifically will occur if the annual funding to fulfill the following is not able to be actualized, and/or not actualized in perpetuity:

1. *All construction repairs, maintenance, and day to day custodial services for the facility once completed will be the responsibility of and will be funded by the MLNCT for an annually set fee based on the services required as determined by the DPW each year due April 1 of each year with no termination date unless jointly agreed upon by the Tolland Town Council and MLNCT;*
2. *ADA Accessible Sanitary Portable Toilets will be provided and paid for by the MLNCT during the period of time that the field will be used by their organization,*
3. *MLNCT has committed to all Construction and design and related expenses to build a Miracle League Athletic Complex which will be paid for in its entirety by the MLNCT with a contribution of up to \$200,000 from the Town of Tolland towards a portion of the site preparation, site drainage improvements, site parking expansion for Accessible spaces, and ADA compliant sidewalks. The MLNCT agrees to work with the Town and neighborhood to ensure various landscaping buffers around the location of the field,*
4. *MLNCT has committed to establishing a Trust Fund with an initial deposit of \$50,000 prior to the commencement of any construction of the field and agrees to deposit at a minimum of \$15,000 per year for future surface replacement.*

2. A fund set up by the Town of Tolland for the total and complete cost of the project, including some annual amount for upkeep (e.g. in 1.1 above for the drainage, parking, sidewalks, landscaping). This fund shall be specifically designated by the Town of Tolland into which MLNCT funds can be deposited. As deposits are made

by the MLNCT, the allocated funds set aside by the town can be returned to the general fund or other as specified by the Town Manager. This will provide sustainability for this field regardless of how economic conditions impact the fundraising of MLNCT.

3. A process should be developed by the Town of Tolland for the consideration and authorization of synthetic field construction that includes pre-established criterion that must be met prior to execution, including funding requirements, that can be consistently applied to all such projects.

4. A process/protocol should be established for what types of advertising will be allowed and how advertising will be managed for this field (including the financial aspects of where funds are deposited).

The TBOE offers these recommendations respectfully, and in recognition of the hard work being done by the Town Council. It hopes to avoid a time in the future where, if specific and existing funds are not available to support and maintain this wonderful project, that a decision would need to be made about potentially *removing* this resource and thereby taking it away from the children and the community. The Board of Education recognizes the inherent value and beneficial impact this project will have for generations to come. To ensure the success and longevity of this project, an existing source of funding not subject to variable economic conditions, is important to ensure this field continues to play a vital role in the enrichment of our community.

Respectfully,

Superintendent, on behalf of the Tolland Board of Education

--

Walter Willett, Ph.D.
Superintendent
Tolland Public Schools
51 Tolland Green
Tolland, CT 06084
Phone: 860-870-6850 extension 1
Fax: 860-870-7737